

LAWS  
OF THE  
Territory of Hawaii

PASSED BY THE  
LEGISLATURE

AT ITS  
REGULAR SESSION

1909

ALSO ACT 141 OF THE SESSION LAWS OF 1907

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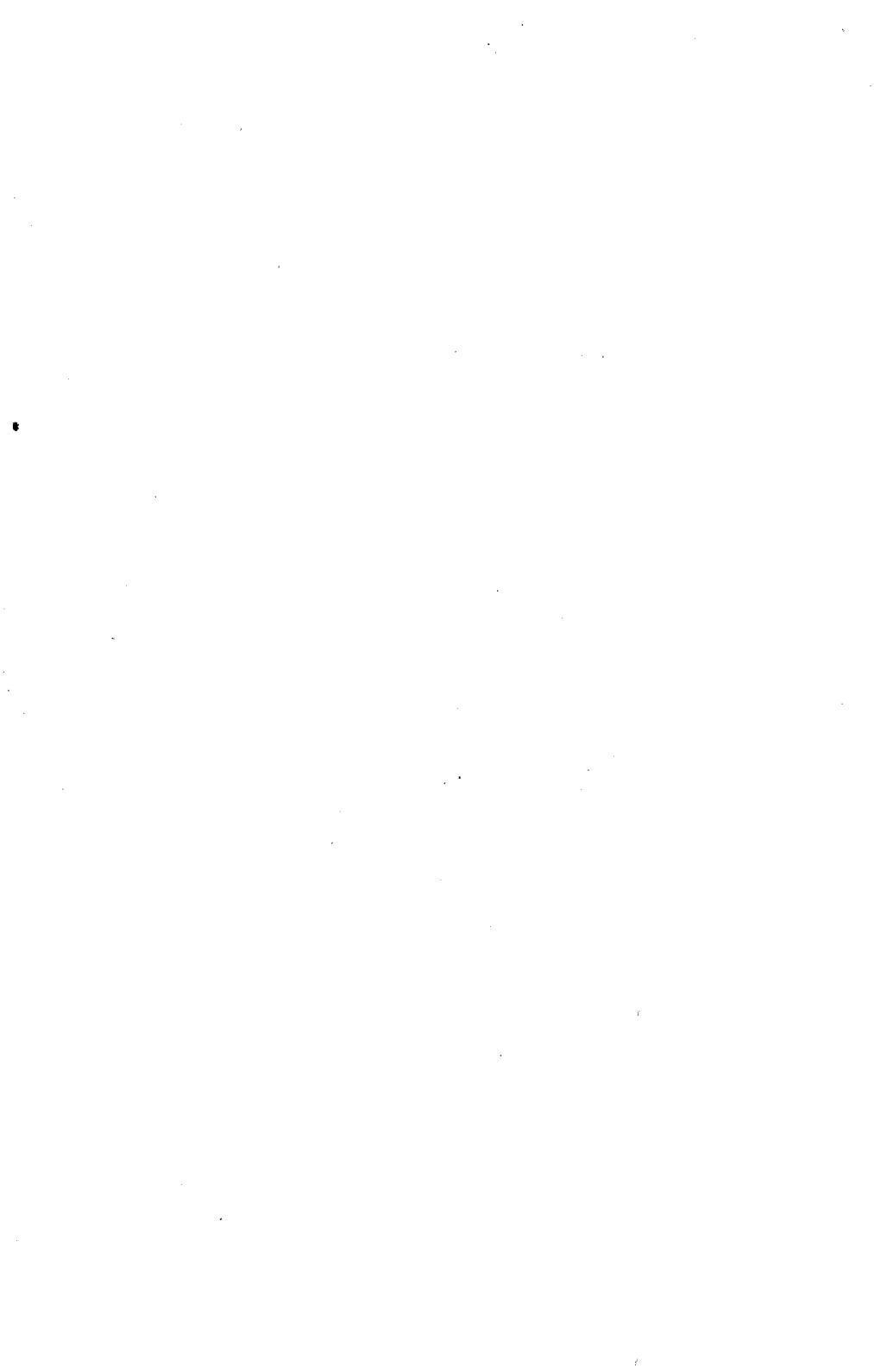
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HAWAIIAN GAZETTE CO., LTD.  
1909



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# Laws of the Territory of Hawaii

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## *ACT 1.*

### AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1909.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Twenty Thousand Dollars (\$20,000) from the Public Treasury for the purpose of defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1909.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of February, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 2.**

## AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1909 FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Twenty Thousand Dollars (\$20,000) from the Public Treasury for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1909.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of February, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 3.**

## AN ACT

MAKING SPECIAL APPROPRIATIONS TO COMPENSATE FOR THE TAKING BY THE BOARD OF HEALTH DURING THE YEAR 1907, OF THE PROPERTY OF CERTAIN PERSONS ON THE FEDERAL RESERVATION, COUNTY OF KALAWAO.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums of money amounting to Two Thousand Two Hundred Seventy Dollars (\$2,270.00) are hereby

appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory as compensation for the taking by the Board of Health, during the year 1907, of the property of the following persons:

K. M. Kalunakaahele (k).....	\$350.00
Kahalekukona (k).....	250.00
Kamakau (k).....	70.00
Ione Kaaiai (k).....	25.00
Manuwa (k).....	300.00
Nailima (k).....	50.00
Keonaona Kopena (w).....	800.00
Estate of Meta Pierce.....	125.00
Kapiioho (w).....	200.00
Mary Hoolemakani (w).....	100.00

SECTION 2. The Auditor shall not issue warrants in payment of the above claims until receipts in full are filed therefor and the same are approved by the Board of Health.

SECTION 3. The forms for the receipts mentioned in Section 2 of this Act shall be prepared and furnished to the claimants by the Attorney General free of charge.

SECTION 4. This appropriation shall lapse on the thirtieth day of June, A. D. 1911.

SECTION 5. This Act shall be in effect on and after the date of its approval.

Approved this 26th day of February, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 4.**

## AN ACT

MAKING SPECIAL APPROPRIATION FOR THE PURPOSE OF ASSISTING HAWAII'S EXHIBIT AT THE ALASKA-YUKON-PACIFIC EXPOSITION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Twenty-five Thousand Dollars (\$25,000.00) is hereby appropriated, to be paid out of moneys in the Treasury received from current receipts of the general revenue of the Territory, for the purpose of assisting and aiding the Board of Commissioners for the Territory of Hawaii of the Alaska-Yukon-Pacific Exposition in effecting Hawaii's exhibit of its commercial, industrial and educational progress and conditions at said Exposition which will take place in Seattle, Washington, U. S. A., in the month of June, A. D. 1909.

SECTION 2. Appropriations made under this Act shall be under the control of and expended by the Secretary of the Territory of Hawaii.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 1st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.



**ACT 5.**

## AN ACT

TO PROVIDE FOR ENTERTAINMENT AND EXPENSES OF SUCH SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES AND OTHER DISTINGUISHED PERSONS AS MAY VISIT THE TERRITORY OF HAWAII PRIOR TO JUNE 30, 1911.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Twenty Thousand (\$20,000.00) Dollars is hereby appropriated to be paid out of any moneys in the Treasury of the Territory received from the general revenue of the Territory, for entertainment and expenses of such Senators and Members of the House of Representatives of the United States and other distinguished persons who may visit the Territory of Hawaii prior to June 30, 1911.

SECTION 2. The money hereby appropriated shall be under the control of and expended by the Secretary of Hawaii.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 1st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 6.**

## AN ACT

TO AMEND SECTION 2512 OF THE REVISED LAWS OF HAWAII RELATING TO INHERITANCE FROM ILLEGITIMATE PERSONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 2512 of the Revised Laws of Hawaii be and the same is hereby amended so as to read as follows:

“Section 2512. From Illegitimate Persons. If any illegitimate person shall die intestate, without leaving lawful issue, or a widow, his estate shall descend to his mother; but if he leaves a widow, she shall take one-half, and his mother the other half, and if his mother be not living, but his widow is, then the widow shall take one-half, and the remaining half shall go to his brothers and sisters in equal parts, the children of any deceased brother or sister taking by right of representation; and in default of surviving brothers or sisters, or their issue, said one-half shall go to the brothers and sisters of his mother in equal shares, the issue of any such brother or sister who is deceased, taking by right of representation; and in default of any such relatives as are in this section mentioned, such half, and the whole, in the event that he shall leave no widow, shall go to his next of kin; and no suit at law or other process shall hereafter be commenced or prosecuted on behalf of the government of this Territory to recover or hold any property which but for this amendment, might have been held to have escheated to said government.”

SECTION 2. This Act shall take effect from and after its approval.

Approved this 5th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 7.**

## AN ACT

RESPECTING PREMIUMS PAID BY EXECUTORS, ADMINISTRATORS, RECEIVERS, AND OTHER SIMILAR OFFICERS APPOINTED OR CONFIRMED BY THE COURTS, AND TO FACILITATE THE GIVING OF BONDS REQUIRED OR PERMITTED BY LAW.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That any receiver, assignee, guardian, trustee, committee, executor, administrator, commissioner, or other fiduciary required by law or the order of any court or judge to give a bond or other obligation as such, may include as a part of the lawful and chargeable expense of executing his trust such reasonable sum, paid a company authorized under the laws of this Territory to become surety on such bond or obligation, for becoming his surety thereon, as may be allowed by the court in which, or a judge before whom, he is required to account, not exceeding one-half of one per cent. per annum on the amount of such bond.

SECTION 2. This Act shall take effect and be in force from and after its approval.

Approved this 5th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 8.**

## AN ACT

TO MAKE CERTIFIED COPIES OF PUBLIC ARCHIVES RECEIVABLE IN EVIDENCE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever, in any legal proceeding it shall be necessary to offer or produce in evidence any book, document,

record, paper, writing or excerpt therefrom deposited in the building set apart for the public archives it shall not be necessary to produce the originals thereof, but a copy or copies of such book, document, record, paper, writing or excerpt therefrom shall be received as evidence in any court with the same effect and weight as the originals themselves, when certified as true and correct as hereinafter provided.

SECTION 2. The Secretary of the Territory, as Chairman of the Board of Commissioners of Public Archives, and the Librarian or other officer performing the duties of librarian or custodian of the public archives are hereby severally authorized and empowered to certify, as true and correct, copies of any of the books, documents, records, papers, writings or excerpts therefrom in the custody of said board. No charge shall be made for any such certificate, but a reasonable charge not exceeding twelve cents per hundred words may be made to cover the cost of transcribing any document or portion thereof which it may be necessary to have copied.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 5th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 9.**

### AN ACT

#### TO ENCOURAGE DIVERSIFIED INDUSTRIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For the three years from December 31, 1909, all property, real and personal, solely and actually used in the cultiva-

tion and production of cotton shall be exempt from property taxes thereon.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 10.**

AN ACT

TO AMEND SECTION 491 OF THE REVISED LAWS RELATING TO THE  
PURPOSES FOR WHICH PRIVATE PROPERTY MAY BE TAKEN  
FOR PUBLIC USES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 491 of the Revised Laws is amended to read as follows:

“Section 491. Purposes for taking private property. Private property may be taken for the following purposes, which are declared to be public uses, to wit: sites for public buildings, schools and school recreation grounds, fortifications, magazines, arsenals, navy yards, navy and army stations, light-houses, range and beacon lights, cemeteries, quarantine stations, pest-houses, hospitals, dumping places for garbage and refuse material, wharves, docks, piers, dams, reservoirs and bridges, also all necessary land over which to construct roads, canals, ditches, flumes, aqueducts, pipe lines and sewers; also all necessary land for the growth and protection of forests, public squares and pleasure grounds; also all necessary land for improving any harbor, river or stream, re-

moving obstructions therefrom; widening, deepening or straightening their channels; also all necessary land from which to obtain earth, gravel, stones, trees, timber, and all necessary material for the construction of any public work."

SECTION 2. This Act shall take effect upon its approval.

Approved this 5th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 11.**

AN ACT

TO AMEND SECTIONS 2396, 2399, 2400, AND 2431 OF THE REVISED LAWS AND TO ADD A NEW SECTION TO BE KNOWN AS SECTION 2429A TO THE REVISED LAWS RELATING TO THE COURT OF LAND REGISTRATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2396 of the Revised Laws is amended to read as follows:

"Section 2396. Judge; Appointment, Tenure. A Judge of the Circuit Court of the First Circuit designated to so act by the Chief Justice of the Supreme Court shall be judge of the Court of Land Registration; such Judge shall so act until a successor is similarly designated."

SECTION 2. Section 2399 of the Revised Laws is amended to read as follows:

"Section 2399. Temporary Judge. In case of the absence, disqualification or disability of the Judge of the Court of Land

Registration, the Chief Justice of the Supreme Court shall designate some other Circuit Judge to perform the duties of Judge of the Court of Land Registration during such absence, disqualification or disability."

SECTION 3. Section 2400 of the Revised Laws is amended to read as follows:

"Section 2400. Registrar, Appointment, Tenure, Powers and Duties. The Clerk of the Circuit Court appointed by the Circuit Judge acting as Judge of the Court of Land Registration shall be ex officio Registrar of the Court of Land Registration. He shall attend the sessions of the court and keep a docket of all causes, and shall affix the seal of the court to all processes, or papers proceeding therefrom, and requiring a seal."

SECTION 4. A new section is hereby added to the Revised Laws to be known as Section 2429A, and to read as follows:

"Section 2429A. Powers of the Court. The Court of Land Registration shall have power to make and award all such judgments, decrees, orders and mandates; to issue all such executions, writs of possession and other processes, and to take all other steps necessary for the promotion of justice in matters pending before it, and to carry into full effect all powers which are, or may be given to it by the laws of the Territory."

SECTION 5. Section 2431 of the Revised Laws is amended by adding thereto the following paragraph:

"The Court may remove clouds on titles and may find and decree in whom the title or any interest, legal or equitable in land is vested, whether in the applicant or in any other person."

SECTION 6. This Act shall take effect on April 1, 1909.

Approved this 5th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 12.**

AN ACT

AMENDING SECTION 391 OF THE REVISED LAWS OF HAWAII RELATING TO COMMISSIONERS OF FENCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 391 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 391. Fence Commissioners, Appointment, Tenure. The governor shall upon the petition of twenty-five owners of land in any taxation district of this Territory, appoint, in the manner prescribed in section 80 of the Organic Act, three persons residing on the island where such district is situated, to be commissioners of fences for that district. Such commissioners shall hold office for the term of four years and until their successors shall be appointed and qualified.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 5th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 13.**

AN ACT

TO REDUCE THE PRICE OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Secretary of the Territory is hereby author-



ized to sell the Revised Laws of Hawaii at Five Dollars per volume.

SECTION 2. This Act shall be in effect on and after the date of its approval.

Approved this 11th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 14.**

AN ACT

TO AMEND SECTION 1634 OF THE REVISED LAWS, RELATING TO  
SUBSTITUTE JUSTICES OF THE SUPREME COURT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1634 of the Revised Laws as amended by Act 92 of the Laws of 1905 is amended so as to read as follows:

“Section 1634. Parties to causes pending before the Supreme Court shall be entitled to a hearing before all of the Justices thereof, and may not be compelled to go to trial before less than the full number thereof. Provided, however, that if any of the Justices of the Supreme Court shall be disqualified from sitting in any cause pending before the Supreme Court, or shall be unable to attend from sickness, accident, absence, or any other reason, his or their place or places for the trial and determination of such cause shall be filled by one or more of the Circuit Judges who has or have had no connection with the said cause either as counsel or in an official capacity, and who

is or are not otherwise disqualified, and who is or are not unable to attend from sickness, accident, absence, or any other reason, thereunto authorized by the written consent of the remaining Justice or Justices."

SECTION 2. This Act shall take effect on its approval.

Approved this 11th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 15.**

### AN ACT

TO REPEAL ACT 64 OF THE SESSION LAWS OF 1905 AS AMENDED  
BY ACT 79 OF THE SESSION LAWS OF 1907, RELATING TO  
THE ISSUANCE OF CERTIFICATES OF HAWAIIAN BIRTH.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 64 of the Session Laws of 1905, as amended by Act 79 of the Session Laws of 1907 is hereby repealed.

Section 2. Said repeal shall not affect any act done, or any right accrued, or established prior to said repeal, but all rights and liabilities, under said laws so repealed, shall continue and may be enforced and enjoyed in the same manner and with the same effect as if said repeal had not been made, nor shall said repeal affect any offense committed or any punishment or penalty incurred, prior to said repeal, under said laws, but every such offense may be prosecuted and punished, and every punishment or penalty may be imposed and enforced, in the same manner and with the same effect as if said repeal had not been made.

SECTION 3. This Act shall take effect on the first day of July, A. D. 1910.

Approved this 11th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 16.**

AN ACT

MAKING CERTIFICATES OF HAWAIIAN BIRTH ISSUED UNDER AND BY THE DEPARTMENT OF COMMERCE AND LABOR OF THE UNITED STATES OF AMERICA PRIMA FACIE EVIDENCE OF THE FACTS THEREIN STATED BEFORE TERRITORIAL COURTS AND REGISTRATION BOARDS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All certificates of Hawaiian birth heretofore and hereafter issued under and by the Department of Commerce and Labor of the United States of America shall be held and deemed to be prima facie evidence of the facts therein stated before all Territorial courts and registration boards.

SECTION 2. This Act shall be in effect from the date of its approval.

Approved this 11th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 17.**

## AN ACT

TO AMEND SECTIONS 2 AND 7 OF ACT 100 OF THE SESSION LAWS OF 1905, RELATING TO BONDS OF PUBLIC OFFICERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Act 100 of the Session Laws of 1905 is hereby amended to read as follows:

“Section 2. The bond of any officer, deputy, assistant, clerk or employee in any government department, bureau, office or service, from whom a bond is required under the authority of this Act, shall be in substantially the following form:

KNOW ALL MEN BY THESE PRESENTS: That we (Name of Obligor) of (Place of residence), as principal, and (Names of Sureties) of (Place or Places of Residence) as sureties, are held and firmly bound to the Territory of Hawaii in the sum of (\$ ) Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made, we do firmly bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

Signed at this day of 19 .  
The condition of this obligation is such that, WHEREAS the above bounden (Name of Obligor) was on the day of 19 , appointed or employed as (Name of office, appointment, employment or position) of the Territory of Hawaii.

NOW THEREFORE, if the said (Name of Officer, Appointee, or Employee) shall faithfully perform all the duties of his office, appointment, position or employment which are now or may hereafter be required, prescribed or defined by law or by any departmental rule or regulation made under the express or implied authority of any statute, or by any order, direction

or command of the head of the department, bureau, office or service in which said obligor is engaged or employed, and all duties and acts undertaken, assumed or performed by said obligor by virtue or color of his office, appointment, employment or position, and shall safely keep, promptly pay over to those legally entitled thereto, and faithfully account for all moneys which may come into his possession or control by reason of his undertaking, assuming, performing or doing any of the aforesaid duties or acts, then this obligation shall be void; otherwise it shall be and remain in full force and virtue and may be enforced in any manner or by any proceedings authorized by law.

(Signatures)

Territory of Hawaii )  
Island and County of ) ss

(Names of Sureties) being duly sworn, depose and say: That they are residents and freeholders within the Territory of Hawaii, and are worth in the aggregate in real property situate in said Territory the amount of the foregoing obligation over and above all sums for which they are already liable.

(Signatures)

Subscribed and sworn to before me  
this                    day of                    19 .

(Signature of officer administering oath)

Approved:

.....

When the surety on any such bond is a corporation, this form, with appropriate changes shall be used, and no justification shall be required."

SECTION 2. Section 7 of Act 100 of the Session Laws of 1905 is hereby amended so as to read as follows:

"Section 7. Every bond required or given under the authority of this Act shall be construed to cover all duties now or

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hereafter required, prescribed, or defined by any law, or by the appointment or employment of the obligor, and all duties required of him by the terms, provisions, or conditions of any law, or by his appointment, employment or position, or by any departmental rule or regulation, or by any direction, order or command of the head of the department, office, bureau or service in question, and all duties and acts undertaken, assumed or performed by the obligor, by virtue or color of his office, appointment or employment, and all such duties and acts shall be considered to have been undertaken, assumed, performed or done as the case may be by specific requirement of statute, whether the obligor undertaking, assuming, performing or doing any such duty or act, is designated, described, named in or recognized by any statute or not. No surety shall be released or relieved from liability upon any such bond by reason of the fact that the office, appointment, employment or position, held, occupied, assumed, or undertaken by the obligor is not specifically named in or recognized by any statute, or by reason of the fact that any or all of the duties or acts undertaken, assumed or performed by the obligor by virtue or color of his office, appointment, employment or position are not specifically required, defined or prescribed by any statute, or departmental rule or regulation made under the express or implied authority of any statute.

No bond shall be held void for any formal defects therein."

SECTION 3. This Act shall take effect upon its approval.

Approved this 11th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 18.**

## AN ACT

TO AMEND SECTION 1245 OF THE REVISED LAWS OF HAWAII,  
AS AMENDED BY SECTION 9 OF ACT 89 OF THE SESSION  
LAWS OF 1905.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1245 of the Revised Laws of Hawaii as amended by Section 9 of Act 89 of the Session Laws of 1905 is hereby amended so as to read as follows:

“Section 1245. How made. Any person whose name may appear on such tax list, who shall have made his return to the assessor as in this Chapter before provided, and if entitled to exemption shall have claimed such exemption, and who may deem himself aggrieved by any change made by the assessor in the valuation of the property as returned; or in the amount or character thereof, or whereby the amount payable by such person is increased beyond the amount which would be payable by him according to such return; or whose claim for exemption shall not have been allowed, may appeal from such assessment on lodging with the assessor or deputy assessor on or before May 15, a notice thereof in writing, stating the grounds of his objection to the assessment or to any part thereof, and depositing therewith the costs of such appeal.

The several assessors or deputy assessors are hereby ordered to prepare notices of appeal as stated above.”

SECTION 2. This Act shall take effect the first day of January, A. D. 1910.

Approved this 13th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 19.**

AN ACT

TO REPEAL SECTIONS 1057 AND 1060 OF THE REVISED LAWS OF HAWAII, RELATING TO MANUFACTURE OF POL.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 1057 and 1060 of the Revised Laws of Hawaii are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 20.**

AN ACT

TO AMEND SECTION 2542 OF THE REVISED LAWS OF HAWAII RELATING TO THE GRANTING OF CHARTERS OF INCORPORATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2542 of the Revised Laws is amended so as to read as follows:

"Section 2542. Charter, grant of. Except as otherwise provided, the treasurer, subject to the provisions and conditions of this chapter, and by and with the consent of the gov-



ernor, shall grant to all applicants who shall file petitions in conformity with the provisions of this chapter, charters of incorporation for cemetery associations, as well as charter other incorporations, either aggregate or sole, ecclesiastical or lay, municipal corporations excepted, which shall be chartered only by the legislature.

Any charter granted or corporation created under authority of this section shall be subject to all general laws hereafter to be enacted in regard to corporations."

SECTION 2. This Act shall take effect upon its approval.

Approved this 13th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 21.

### AN ACT

TO AUTHORIZE CERTAIN PUBLIC OFFICIALS TO DESIGNATE PERSONS TO ACT IN THEIR ABSENCE AND TO DEFINE POWERS OF PERSONS SO DESIGNATED.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Superintendent of Public Instruction, the Surveyor, the Commissioner of Public Lands, the Superintendent of Public Works, the President of the Board of Health, the President of the Board of Agriculture and Forestry and any other officer for the performance of whose duties in his absence or illness no other provision is made by law, may, with the approval of the Governor, designate some other officer in his department, bureau or office to act in his temporary absence or illness. Such designation shall be in writ-

ing and shall be filed in the office of the Secretary of the Territory. Provided, however, that the respective heads of departments hereinabove designated shall be responsible and liable on their official bonds for all acts done or performed by the persons designated to act in their absence as herein prescribed.

SECTION 2. Such persons so designated shall, during the temporary absence or illness of the head of such office, have all the powers of the head of such office and shall be known as the acting Superintendent, Surveyor, Commissioner or President, as the case may be, but shall not be entitled to any additional compensation while so acting.

SECTION 3. This Act shall take effect upon its approval.

Approved this 13th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## *ACT 22.*

### AN ACT

TO DEFINE AND REGULATE THE TREATMENT AND CONTROL OF  
DEPENDENT AND DELINQUENT CHILDREN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For the purposes of this Act, the words "dependent child" shall mean any minor who, for any reason, is destitute or homeless or abandoned or dependent upon the public for support or who has no proper parental care or guardianship or whose home, by reason of neglect, cruelty or depravity on the part of its parent, guardian, or other person

in whose care it may be is an unfit place for such child; and the words "delinquent child" shall mean any minor who violates any law of this Territory or any city or county ordinance or who is incorrigible, vicious or immoral, or who is growing up in idleness or crime or who is an habitual truant from school or who habitually wanders about the streets in public places during school hours without lawful occupation or employment. Any dependent or delinquent child may be proceeded against in the manner hereinafter provided. Any evidence given in any cause as hereinafter provided shall not in any civil, criminal or other cause in any court be lawful or proper evidence against such child for any purpose whatever except in subsequent cases against the same child under this act. Proceedings under this act shall not be deemed to be criminal proceedings and such proceedings under this act shall not prevent the trial by criminal procedure in the proper courts of children over fourteen years of age charged with the commission of a felony.

SECTION 2. The circuit judges sitting in chambers shall have original jurisdiction in all cases under this act and the court held by any such judge under this act shall be termed the Juvenile Court; provided, that in any circuit where there is more than one judge, the chief justice shall designate one of them to be the judge of the juvenile court. In case of the absence, inability or disqualification of the judge any other circuit judge may act in his place by assignment of the chief justice.

SECTION 3. All examinations or trials under this act shall be held in the court room or in chambers or in a room in the court house or in any suitable apartment. The proceedings and findings of the court shall be entered in a book or books to be kept for that purpose and to be known as the juvenile record. The judge may exclude any person whose presence he deems prejudicial to the interests of the child, when such person does not have an interest in the case.

SECTION 4. Upon the filing with the judge of a sworn petition, setting forth upon knowledge or upon information and

belief facts showing that any child under eighteen years of age resident within the circuit is a delinquent or dependent child the judge may, before further proceedings are had in the case, give notice thereof to a duly appointed probation officer who shall have opportunity allowed him to investigate the facts. In such case the probation officer shall immediately proceed to make a full examination of the parentage and surroundings of the child and all the facts of the case and report the same to the judge in writing and if after full investigation it shall appear to the judge that the public interest and the interest of the child will be best subserved thereby, a summons shall issue, reciting the substance of the petition and requiring the person or persons having custody or control of the child, or with whom the child may be, to appear with the child at a place and time which shall be stated in the summons, and if such person is other than the parent or guardian of such child, then such parent or guardian shall be notified of the pendency of the case, if he is a resident of the circuit and can be found. If any person summoned as herein provided shall fail, without reasonable cause, to appear with the child or to comply with the order of the judge, he may be proceeded against for contempt of court. In case the summons cannot be served or the parties summoned fail to obey the summons and in any case when it shall appear to the court that such summons might be ineffectual, upon complaint on oath in writing a similar summons as near as may be may issue to the child or a warrant of arrest may issue, reciting the substance of the complaint and requiring the officer to whom it is directed to bring such child before the judge to be dealt with according to law, and such child may be committed to a probation officer or such other person as the judge may designate, pending the final disposition of the case. On the return of the summons or warrant, or as soon thereafter as may be, the judge shall proceed to hear and dispose of the case, and if the allegations against the child are proved, the court may adjudge the child a delinquent or dependent child as the case may be. If it shall appear to the judge that the public interests and the interests of such child will be best subserved thereby, he may order the return of the child to its

parents or guardians or friends, or he may place it, if delinquent, under probation as hereinafter provided and in all cases he may decree the child found delinquent or dependent to be the ward of the court as far as its person is concerned, and in such cases, where any child has been decreed to be the ward of the court, the authority of the judge over its person shall continue until the judge shall otherwise decree. The child found delinquent may be placed on probation for such time during its minority and upon such conditions as the judge may determine and such child so released on probation may be furnished with a written statement of the terms and conditions of release. At any time during the probationary term of a child released on probation as aforesaid, the judge may, in his discretion, revoke or terminate the probation. If at any time before discharge the child be found to be willfully wayward, incorrigible or unmanageable and in any case upon an adjudication of delinquency, if in the opinion of the judge the welfare of the child and the public interests so require, the judge may cause it to be sent to the Industrial School for Boys or the Industrial School for Girls, or to any institution authorized by law to receive such child. And in such case, the report, if any, of the probation officer shall be attached to the mittimus and the child shall be placed in charge of some person designated by the judge to be conveyed to the institution, provided that when a girl is to be conveyed to any institution, the judge shall, when deemed advisable, appoint a suitable woman to accompany such girl.

SECTION 5. Whenever any child under the age of eighteen years is arrested with or without warrant, such child shall, when reasonably practicable in view of the distance, expense and other considerations, and in any case where the juvenile court shall so direct, be taken before the juvenile court and the officer making the arrest shall, unless some other person shall do so, make and file a petition against such child as hereinbefore provided and the judge shall proceed to hear and determine the matter in like manner as hereinbefore provided. If, during the pendency of any criminal case against any child in any district court of the Territory, it shall appear that the

child is under the age of eighteen years, it shall be the duty of the district magistrate before whom such case is pending, to transfer, when reasonably practicable, or as the juvenile court may direct, such case, together with all papers connected therewith to the said court. Upon such transfer, the judge may proceed to hear and dispose of the case as hereinbefore provided.

SECTION 6. When any child under the age of eighteen years shall be found to be a dependent child, the judge may make an order committing the child to the care of some suitable institution or to the care of some reputable citizen of good moral character, or to the care of the industrial school provided by law. The judge shall, when the health or condition of the child shall require, cause the child to be placed in a public hospital or institution for treatment.

SECTION 7. No child under the age of fourteen years shall be confined in any jail or police station, either before, during or after trial, but may be committed to the care or custody of any suitable person or duly appointed probation officer, who shall keep such child in some suitable place approved by the judge, outside of the inclosure of any jail or police station. No child under eighteen years of age, while under arrest, confinement or conviction for any crime, shall be placed in any apartment or cell of any prison, jail, or place of confinement with any adult who shall be under arrest, confinement or conviction for any offense or be permitted to remain in any court room during the trial of adults or be transported in any vehicle of transportation in company with adults charged with or convicted of any offense. Any person violating any provision of this section shall upon conviction thereof be fined not more than Fifty Dollars, or imprisoned for not more than thirty days.

SECTION 8. All children, while under the orders of the judge, shall be in the care and custody of the probation officer or such other person as the judge may designate and all necessary expenses incurred in the proper care of the children during the pendency of the proceedings shall be paid out of such

moneys as may be appropriated by the legislature for the expenses of the circuit courts. No judge or probation officer shall be entitled to or receive any compensation for any services performed under this act.

SECTION 9. The existing laws relating to juvenile delinquents or offenders shall continue in force except in so far as they are inconsistent with the provisions of this act.

SECTION 10. This Act shall take effect upon its approval.

Approved this 13th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 23.**

### AN ACT

TO AMEND SECTIONS 1744, 1746 AND 1858 OF THE REVISED LAWS RELATING TO TRIALS BY JURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1744 of the Revised Laws is amended to read as follows:

“Section 1744. Issues of Fact. Issues of fact arising in any suit contemplated by Sections 1711-1713 shall be tried by the court without a jury unless a jury trial be demanded by either party.”

SECTION 2. Section 1746 of the Revised Laws is amended to read as follows:

“Section 1746. Demand for Jury. Either party to a civil suit may demand a trial by jury either by a written document

filed in court or by oral demand made in open court within five days after the case is at issue and entered in the Clerk's minutes; provided, however, that if no such demand as aforesaid shall be made for a trial by jury the parties to said cause shall be deemed to have waived trial by jury."

SECTION 3. Section 1858 of the Revised Laws is amended to read as follows:

"Section 1858. From District Magistrates; Bond. Appeals shall be allowed from all decisions of district magistrates in all matters, whether civil or criminal, to the circuit court of the same circuit, whenever the party appealing shall file notice of his appeal within five days and shall pay the costs accrued within ten days and, if it is a civil cause, shall deposit a sufficient bond in the sum of twenty dollars conditioned for the payment of the costs further to accrue in case he is defeated in the court above, or money to the same amount within ten days after the decision appealed from; provided, however, that if in his notice of appeal he signifies his desire for, and demands a trial by jury, he shall be required to deposit as security for further costs, a bond in the sum of one hundred dollars, or money to the same amount. In any civil case, appealed without a demand for a jury trial, if any appellee shall desire to have a trial by jury on appeal, he may, within twenty days after the decision appealed from, file his demand to that effect in the circuit court, and shall thereupon deposit his bond or money in the sum of one hundred dollars for the payment of costs to accrue in case he is defeated in the court above. And after the trial and conclusion of such cause on appeal, whether by verdict of a jury or by the decision of the circuit judge, there shall in such cause be no further trial of the issue of fact (unless a new trial of such cause shall be awarded according to law) but exceptions upon questions of law may be taken to the supreme court; provided, that any appeal solely upon points of law from a decision of a district magistrate shall be so stated in the notice of appeal, and such appeal upon points of law may be made either to the circuit court of the same circuit, or to the supreme court, at the option of the party appealing, and such appeal shall be heard and determined without the intervention



of a jury; and the bond shall be the same as hereinbefore provided in case a jury trial is not demanded."

SECTION 4. This Act shall take effect upon the date of its approval.

Approved this 15th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 24.**

AN ACT

TO PROVIDE FOR BIENNIAL REPORTS TO THE LEGISLATURE OF THE  
TERRITORY OF HAWAII BY COUNTIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be the duty of the Board of Supervisors of each county biennially to prepare and submit to the Legislature of the Territory a statistical report showing in compendious form all financial transactions of the county, exhibiting separately the receipts and expenditures by or on account of each office, board, commission and institution, and classifying the principal items of income and expenditures. Such reports should contain such other information in regard to the affairs of the counties as the several boards of supervisors may desire to submit.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 25.**

## AN ACT

TO AMEND SECTIONS 2228 AND 2230 OF THE REVISED LAWS RELATING TO DIVORCE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2228 of the Revised Laws is hereby amended so as to read as follows:

“Section 2228. Grounds for Divorce. Divorces from the bond of matrimony shall be granted for the causes hereinafter set forth and no other.

“First. For adultery in either party; or for wilful and utter desertion for the term of one year; or when either party is sentenced to imprisonment for life, or for seven years or more, and no pardon granted to a party so sentenced, after divorce, for such a cause, shall restore such party to conjugal rights; and when it is shown to the satisfaction of the judge that either party has contracted the disease known as Chinese Leprosy, and is incapable of cure.

“Second. For extreme cruelty; habitual intemperance; or when the husband, being of sufficient ability to provide suitable maintenance for his wife, neglects or refuses to do so for a continuous period of not less than sixty days. But if the party applying for a divorce shall not insist upon a divorce from the bond of matrimony, a divorce only from bed and board shall be granted, and the relations of the parties after such divorce shall be regulated by the existing laws concerning separation.”

SECTION 2. That Section 2230 of the Revised Laws, as heretofore amended, shall be further amended, so as to read as follows:

"Section 2230. Libel; Filing; Summons; Service; Time of Hearing. All proceedings for divorce shall be commenced by libel to be signed by the libellant and sworn to; and the same shall set forth the marriage of the parties and the cause for divorce, with sufficient particularity to constitute a case for judicial action.

"Such libel shall be filed in the office of the Clerk of the Circuit Court, and upon the filing thereof a writ of summons with the libel annexed shall be issued under the seal of the court by the clerk, directing the High Sheriff or his deputy, or the Sheriff of the County or his deputy, to summon the libelee to appear thirty days after service before the Circuit Judge at chambers to answer the libel.

"Such summons and libel shall be served by delivering certified copies thereof to the libelee personally.

"The Judge shall not entertain jurisdiction of the libel until at least thirty days after such personal service shall have been completed, except as provided in the following section."

SECTION 3. This Act shall take effect on its approval.

Approved this 18th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 26.**

### AN ACT

TO AMEND SECTION 3196 OF THE REVISED LAWS OF HAWAII,  
PERTAINING TO OFFENSES AGAINST THE RIGHT OF SEPUL-  
TURE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3196 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 3196. Punishment. The right of human sepulture is sacred, and shall not be disturbed except as provided by law. If any person, not having any legal right to do so, shall wilfully dig up, disinter, disturb, scatter, remove or convey away any human body, or the remains or bones, or any of the remains or bones thereof, from any cemetery, burial place, mausoleum, cave or vault, where the same has been legally interred or deposited, or shall wilfully break, disturb, scatter or remove the coffin, casket or burial clothes in which such body or remains shall have been interred or deposited, either in whole or in part, whether such cemetery, burial place, mausoleum, cave or vault be public or private property, or shall knowingly aid in such act as aforesaid, the person so offending, and all persons accessory thereto, either before or after the fact, shall be punished by imprisonment at hard labor for not more than 2 years, or by a fine not exceeding \$1,000.00."

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 27.

### AN ACT

TO APPROPRIATE MONEY FOR THE RELIEF OF LEVI C. LYMAN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the sum of Five Hundred and Three and 15/100 Dollars (\$503.15) is hereby appropriated for the relief of Levi C. Lyman, of Hilo, Island of Hawaii, Territory of Hawaii, to be paid out of all moneys in the Treasury received from

current revenue of the Territory; the same to constitute reimbursement to him of the amount of purchase price, and interest thereon, heretofore paid by him to the Government of the Territory of Hawaii, for Homestead Lots Numbers 17 and 21, in Ponahawai, Island of Hawaii, under Freehold Agreements Numbers 2 and 3, Map Number 3, said agreements having thereafter been surrendered and cancelled.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 18th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 28.**

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE PAYMENT OF CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII INCURRED PRIOR TO THE THIRTIETH DAY OF JUNE, A. D. 1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums of money, amounting to the sum of Two Thousand Six Hundred and Seventy Dollars and Four Cents (\$2,670.04) are hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory for the settlement of the following claims against the Territory, incurred during the biennial period ending the thirtieth day of June, A. D. 1907.

**Secretary of Hawaii.**

June 15, 1907—Maui News Co., Bill. . . . .	\$ 72.00
<b>Attorney General.</b>	
April 8, 1905—John A. Palmer, Bill. . . . .	\$ 54.00
Lewers & Cooke, Ltd. . . . .	103.95

Mrs. J. B. Bett.....	26.10	184.05
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**Board of Commissioners of Agriculture and Forestry.**

May 31, 1907—Hawaii Herald Co., Bill..		10.00
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**Department of Public Works.**

May, 1907—J. Hopp & Co., Bill.....	\$ 6.75	
June 17, 1907—T. H. Davies & Co., Bill..	\$ 63.00	
Nov. 6, 1906—I. I. S. N. Co., Bill.....	.25	
Feb. 9, 1907—do .....	13.76	
May 15, 1907—do .....	13.75	
Jan. 18, 1907—T. H. Davies & Co., Bill..	221.65	
Mar. 26, 1907—E. O. Hall & Son, Bill...	111.00	
Apr. 15, 1907—Honolulu Iron Works, Bill	665.37	
May 29, 1907—do .....	120.00	
June 10, 1907—T. H. Davies & Co., Bill..	12.25	
June 26, 1907—H. R. T. & L. Co., Bill..	3.14	
May 31, 1907—E. W. Quinn, Bill.....	4.00	
June 14, 1907—C. H. Jennings & Co., Bill	5.66	
June 1907—W. J. Moody, Bill.....	7.50	
1905—Dickey & Newcombe, Bill	275.00	\$1,523.08

**Department of Public Instruction.**

June 1907—Kalihi Poi Factory, Bill..	\$ 12.00	
June 1907—Metropolitan M. Co., Bill	36.53	48.53

**Board of Health.**

June 30, 1907—A. B. Arleigh, Bill.....	\$ 20.15	
June 30, 1907—Metropolitan M. Co., Bill	13.65	
May 30, 1907—von Hamm-Young Co., Bill .....	6.80	
June 30, 1907—Hawaiian Elec. Co., Bill.	1.25	
June 30, 1907—von Hamm-Young Co., Bill .....	3.00	
Dec. 4, 1906—Haw'n. Car. Mfg. Co., Bill	4.50	
Jan. 14, 1907—do .....	.50	
Jan. 15, 1907—do .....	1.00	
Feb. 19, 1907—do .....	1.50	
Feb. 27, 1907—do .....	1.50	

Mar. 9, 1907—	do	2.00	
Mar. 20, 1907—	do	8.75	
Mar. 15, 1907—Wilder & Co., Bill.....		133.32	
Apr. 16, 1907—W. O. Barnhart & Co., Bill		3.00	
Mar. 31, 1907—Lewers & Cooke, Bill....		24.50	
Mar. 5, 1907—Haw'n. Car. Mfg. Co., Bill		28.00	
June 30, 1907—Sanitary Steam Laundry, Bill .....		41.00	
May 21, 1907—von Hamm-Young Co., Bill .....		15.00	
June 30, 1907—J. H. Craig, Bill.....		56.21	
Aug. 31, 1906—J. A. Camara, Bill.....		2.00	
Jan. 11, 1907—	do	3.50	
Dec. 31, 1906—Haw'n. Car. Mfg. Co., Bill		.25	
Mar. 18, 1907—	do	5.50	
Mar. 25, 1907—	do	3.00	
Dec. 31, 1907—	do	2.50	382.38
			<hr/>
P. L. Weaver, Expenses incurred in 1903.			450.00
			<hr/>
Total .....			\$2,670.04

SECTION 2. The Auditor shall not issue warrants in payment of the above claims unless receipts in full are filed therefor, and same are approved by the head of the department under which the items are inserted.

SECTION 3. This appropriation shall lapse on the thirtieth day of June, A. D. 1909.

SECTION 4. This Act shall be in effect from the date of its approval.

Approved this 18th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 29.**

## AN ACT

TO AMEND SECTION 3161 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3161 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 3161. Procurers, Pimps, Defined; Punishment. Whoever induces, decoys, procures or compels any female against her free will to have sexual intercourse with any person other than himself; who induces, compels or procures any female to practice prostitution, or to hold herself out as a prostitute, with the intent thereby to obtain and secure from said female any portion of the gains earned by her in such practices; whoever assumes, or asserts or exercises authority or power to advise, direct or compel any woman to practice prostitution or hold herself out as a prostitute, or to live in a house or place for the practice of prostitution, with intent to participate in, and to obtain any portion of the gains arising from such lewd practices, shall be deemed a procurer or pimp, and upon conviction thereof shall be fined not more than five hundred dollars nor less than one hundred dollars or be imprisoned at hard labor not more than five years nor less than two years, or by both such fine and imprisonment.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.



**ACT 30.**

## AN ACT

TO AMEND SECTION 2552 OF THE REVISED LAWS OF HAWAII, RELATING TO THE ISSUANCE OF PREFERRED STOCK BY CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2552 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2552. Preferred Stock. Any company incorporated under the laws of this Territory with power to issue stock may issue two or more classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the charter or articles of association, or any amendment thereof, by the vote of three-fourths of all its stock, or, if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 31.**

## AN ACT

TO DEFINE THE MEANING OF THE WORD “GARAGE” AS USED IN SECTION I OF ACT 96 OF THE SESSION LAWS OF 1907 AMENDING CHAPTER 102 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The word “Garage” as used in Section 1 of Act

96 of the Session Laws of 1907 amending Chapter 102 of the Revised Laws of Hawaii shall, and is hereby designated to mean "a repository, storage room or repair shop for automobiles."

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 22nd day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 32.**

AN ACT

RELATING TO PERSONS EMPLOYED IN THE SERVICE OF THE GOVERNMENT OF THE TERRITORY OF HAWAII OR ANY COUNTY OR MUNICIPAL SUBDIVISION THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. All officers, deputies, clerks, assistants, interpreters, police, laborers and other persons employed in the service of the Government of the Territory of Hawaii, or in the service of any County or Municipal subdivision of said Territory shall be citizens or eligible to become citizens of the United States of America; except that in cases where it is not reasonably practicable to obtain citizens competent for such service, persons other than citizens may be employed.

Section 2. Any public official who shall violate any provisions of this Act shall be liable upon conviction to a penalty of not less than Ten Dollars nor more than One Hundred Dollars, discretionary with the Court.

Section 3. This Act shall take effect from and after the date of its approval.

Approved this 22nd day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 33.**

## AN ACT

TO PROMOTE THE CONSERVATION AND DEVELOPMENT OF THE NATURAL RESOURCES OF THE TERRITORY THROUGH IMMIGRATION AND OTHER MEANS BY IMPOSING A TAX ON INCOMES AND APPROPRIATING THE PROCEEDS FOR SUCH PURPOSE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. In addition to the tax of two per cent., authorized to be levied, assessed and collected upon the gains, profits and income of persons in the Territory of Hawaii under the provisions of Chapter ninety-nine of the Revised Laws of the Territory, as heretofore amended, there shall be levied, assessed and collected annually upon the gains, profits and income over and above Four Thousand Dollars derived by every person residing in the Territory, from all property owned, and every business, trade, profession, employment or vocation carried on, in the Territory, and by every person residing without the Territory from all property owned, and every business, profession, employment or vocation carried on in the Territory and by every servant or officer of the Territory, wherever residing, a tax of two per cent. on the amount so derived during the taxation periods defined by this Act.

Section 2. In addition to the tax of two per cent. authorized to be levied, assessed and collected upon the gains, profits and income of corporations as provided in said Chapter ninety-nine of the Revised Laws of the Territory, as heretofore amended, there shall be levied, assessed and collected annually upon the net profit or income above actual operating and business expenses derived during the taxation periods defined by this Act, from all property owned, and every business, trade, employment or vocation carried on in the Territory, of all corporations doing business for profit in the Territory, no matter where created or organized, a tax of two per cent. on the amount so derived during the taxation periods as defined by

this Act. Provided, however, that nothing herein contained shall apply to corporations, companies or associations, conducted solely for charitable, religious, educational or scientific purposes, including fraternal beneficiary societies, nor to insurance companies, taxed on a percentage of the premiums under the authority of another law.

Section 3. The taxation period within the meaning of this Act shall be the year immediately preceding the first day of January of each year in which such tax is payable. Provided, that the first taxation period under this Act shall be the year immediately preceding the first day of January, 1909, and that the rate of taxation upon incomes derived during said first taxation period shall be one per cent. in addition to the tax assessed thereon under said Chapter ninety-nine of the Revised Laws as heretofore amended, and the amount of such tax shall be assessed forthwith and be payable in full on or before the fifteenth day of November, 1909.

Section 4. All of the provisions of Sections 1280 to 1289 both inclusive, of said chapter ninety-nine of the Revised Laws of the Territory, as heretofore amended, in so far as the same are consistent with this Act and may be used in furtherance of the purposes hereof, shall apply to this Act as fully as though incorporated herein.

Section 5. All amounts collected from time to time under the provisions of this Act shall constitute and be held by the Treasurer of the Territory as a special fund notwithstanding the provisions of Act 15 of the Session Laws of 1907, or any law now in force, to be used and applied for the purposes specified by this Act and not otherwise, that is to say: three-fourths of said fund is hereby appropriated for and shall be used for the encouragement of immigration to the Territory of Hawaii in aid and development of the agricultural resources and conditions, including the expenses of the Board of Immigration, the same to be available for expenditure from time to time as shall be determined by the Board of Immigration with approval of the Governor; and one-fourth of said fund is hereby appropriated for and shall be used for the development,

conservation, improvement and utilization of the natural resources of the Territory, the same to be made available for expenditure at such times and in such manner as a board of three persons appointed as provided in Section 80 of the Organic Act shall, with the approval of the Governor, determine.

Section 6. This Act shall be in effect from the date of its approval, and relate retrospectively to give full effect to the provisions herein contained with respect to taxes for the first taxation period hereunder; and shall continue in force to and until the thirty-first day of December, 1911; provided, that all taxes assessed under the provisions of this Act which shall remain unpaid at the end of said period shall be subject to collection and enforcement in the same manner as though all the provisions of this Act were still in force with respect thereto.

Approved this 22nd day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 34.**

### AN ACT

TO AMEND SECTION 1723 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That Section 1723 of the Revised Laws of Hawaii be and the same is hereby amended so as to read as follows:

“Section 1723. If the Defendant was never an inhabitant of the Territory or has removed therefrom, or if, after due diligence, he cannot be found within the Territory of Hawaii, and the fact shall appear by affidavit to the satisfaction of the court or a judge thereof at Chambers, and it shall in like manner appear that a cause of action exists against such defendant,

or that he is a necessary or proper party to the action, and that such defendant has property situated within the Territory of Hawaii, such court or judge may grant an order that the service be made by publication of the summons."

Section 2. This Act shall take effect from the date of its approval.

Approved this 22nd day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 35.**

AN ACT

MAKING ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENTAL  
USE OF THE TERRITORY FOR THE BIENNIAL PERIOD ENDING  
THE THIRTIETH DAY OF JUNE, A. D. 1909.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums of money, amounting to Eighty-three Thousand Six Hundred Thirteen Dollars and Nine Cents (\$83,613.09), are hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory for the current expenses of the departments and pay of employees for the biennial period ending the thirtieth day of June, A. D. 1909:

TREASURY DEPARTMENT.

Interest on Public Debt, Commissions and Expenses . . . . .	\$11,000.00
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COMMISSIONER OF PUBLIC LANDS.

Incidentals and General Expense . . . . .	2,400.00
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## SUPERINTENDENT OF PUBLIC WORKS.

Completion of Makiki Reservoir . . . . .	\$ 1,391.95	
Running expenses, maintenance and extension, Lahaina Water Works . . . . .	215.00	
Expenses, Pilots, Honolulu . . . . .	180.00	
Landings and Wharves, Honolulu . . . . .	8,000.00	
General Expenses . . . . .	1,500.00	
Water Works . . . . .	16,400.00	
Honolulu Water Works, General, completion of 30 inch pipe line . . . . .	2,613.91	
Educational Buildings, Oahu . . . . .	421.00	
Extension, Kamuela Water Works, Hawaii . . . . .	62.25	
Claim of A. P. MacDonald . . . . .	584.00	
Construction of Sewers, Kapalama District, Honolulu . . . . .	1,500.00	32,868.11

## DEPARTMENT OF PUBLIC INSTRUCTION.

Furniture and Fixtures . . . . .	\$ 360.00	
Industrial and Manual Training . . . . .	325.00	
Book and Library Fund . . . . .	200.00	
School Supplies . . . . .	200.00	
Support, Boys' Industrial School . . . . .	3,500.00	
Furniture, Hilo High School . . . . .	353.98	
Repairs and Maintenance, School Property, including janitor service, all schools . . . . .	3,500.00	
Waialea Sewer System . . . . .	1,500.00	
Purchase, Keauhou Cottage . . . . .	1,050.00	10,988.98

## BOARD OF HEALTH.

Segregation and Care of Lepers . . . . .	\$12,000.00	
Quarantine, fumigation, disinfectants, medical service, suppression of contagious diseases, and apparatus . . . . .	3,000.00	
Furniture and Maintenance, Boys' Home, Kalihi . . . . .	4,000.00	
Rat Campaign, Honolulu . . . . .	1,900.00	
Kalihi Receiving Station . . . . .	5,000.00	25,900.00

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\$83,613.09

SECTION 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be hereafter accounted for to the Legislature by indemnity bill, is hereby expressly prohibited.

SECTION 3. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars. (District Magistrates shall have jurisdiction in all cases under this section.)

SECTION 4. No expenditure of public money for the construction or repair of public works, where the sum to be expended shall amount to Five Hundred Dollars (\$500.00) or more, or for the purchase of materials, provisions or other supplies for public purposes amounting in the aggregate to Five Hundred Dollars (\$500.00) or more, shall be made, except by contract after public advertisement for sealed tenders; and no public work or the purchase of material, provisions or supplies for public purposes shall be so divided or parcelled out as to defeat or evade the provisions of this Section.

SECTION 5. All agreements or contracts made and entered into by any officer of the Territory of Hawaii, by or under which public money is to be expended shall be void and of no effect unless the Auditor shall endorse thereon his certificate that there remains, unexpended and unapplied, a balance in the Fund or Appropriation already made for such purpose, sufficient to cover the amount involved in such contract or agreement.

SECTION 6. This Act shall take effect from the date of its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.



**ACT 36.**

## AN ACT

TO APPROPRIATE MONEY FOR THE PAYMENT OF THE TRUSTEES OF  
THE ESTATE OF BERNICE PAUAHI BISHOP FOR THE TAKING  
OF CERTAIN LANDS BY THE TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Seven Hundred and Fourteen (\$714.00) Dollars is hereby appropriated to be paid out of any money in the treasury received from the general revenues of the Territory for the settlement of the claim of the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, for the taking of certain lands by the Territory belonging to said Trustees as part of the Niupea Homesteads, known and designated as Lots 13, 14, 20, 21 and 27 of said Homesteads.

SECTION 2. The auditor shall not issue a warrant in payment of the above claim until a receipt in full therefor is filed and the same is approved by the commissioner of public lands. Said commissioner shall not approve such a receipt until delivery by said Trustees of a properly executed quit claim deed conveying to the Territory all the right, title and interest of said Trustees in and to said lands.

SECTION 3. This appropriation shall lapse on the 30th day of June, 1909.

SECTION 4. This Act shall take effect upon its approval  
Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 37.**

## AN ACT

TO AMEND SECTION 2928 AND SECTION 2931 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2928 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2928. Carnal abuse of female under twelve; punishment. Whoever ravishes or carnally abuses and knows any female child under the age of twelve years, shall suffer the punishment of death, or imprisonment for life at hard labor, in the discretion of the court.”

SECTION 2. Section 2931 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 2931. Consent of female under twelve, void. If the female so abducted be a child under twelve years of age, such abduction shall be conclusively presumed to be by force, and without her consent and against her will.”

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 38.**

## AN ACT

TO AMEND SECTION 1660 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY ACT 61 OF THE SESSION LAWS OF 1905, RELATING TO THE APPOINTMENT AND REMOVAL OF DISTRICT MAGISTRATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1660 of the Revised Laws of Hawaii, as

amended by Act 61 of the Session Laws of 1905, is hereby amended so as to read as follows:

“Section 1660. There shall be appointed one or more District Magistrates for each Judicial District of the Territory; such appointment shall be made by the Chief Justice of the Territory. Each Magistrate shall reside in the District for which he is appointed, and such Magistrate shall have passed an examination for admission to practice in the District Courts of this Territory.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 39.**

### AN ACT

TO PROVIDE FOR VALIDATING THE INCORPORATION OF RAILWAY AND TRANSPORTATION COMPANIES HERETOFORE INCORPORATED UNDER CHARTERS GRANTED BY THE TREASURER OF THE TERRITORY OF HAWAII WITH THE CONSENT OF THE GOVERNOR, OR BY THEIR PREDECESSORS IN OFFICE, AND CERTAIN CONTRACTS MADE AND ACTS AND PROCEEDINGS HAD UNDER SAID CHARTERS AND AMENDMENTS THERETO, AND IN REFERENCE THERETO, AND THE GRANTING THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That all charters and amendments to charters heretofore granted by the Treasurer of the Territory of Hawaii with the consent of the Governor, or by their predecessors in office under previous governments of Hawaii to such railway and transportation companies now doing business in the Territory of Hawaii as shall file with the Treasurer of the Territory of Hawaii

within six months from the passage of this Act, a copy, duly attested by their respective secretaries, of a resolution of their respective stockholders, accepting the provisions of this Act, are hereby declared to have the same force and effect as if said railway and transportation companies had originally incorporated, or filed amended articles, under articles of association containing like provisions; and all acts and proceedings had and done in reference to the granting of said charters and amendments to charters, and under the same, are ratified and approved to the same extent and as fully as if said railway and transportation companies had originally incorporated, or filed amended articles, under articles of association containing like provisions.

SECTION 2. All contracts between the Superintendent of Public Works and said railway companies shall have the same force and effect as if made by the Superintendent of Public Works, or his predecessors in office, the Ministers of the Interior, with railway companies duly incorporated.

SECTION 3. Nothing in this Act shall be construed to validate or give force and effect to any provision contained in charters and amendments to charters of any of said railway and transportation companies, or in their contracts with the Superintendent of Public Works, or his predecessors in office, the Ministers of the Interior, which would not have been legal, valid or binding if said railway companies had been duly incorporated according to law.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 40.**

## AN ACT

PROVIDING FOR THE MAINTENANCE AND SUPPORT OF THE FAMILY  
OF A DECEASED PERSON PENDING THE ADMINISTRATION OF  
HIS ESTATE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Pending the administration of the estate of a deceased person, provision may be made for the maintenance and support of the family of such deceased person, as follows:

First. When a person dies leaving a widow or minor child or children, the widow or child or children, until letters are granted and the inventory is returned, are entitled to remain in possession of the homestead, if any, of all the wearing apparel of the family, and of all the household furniture, of the decedent, and are also entitled to a reasonable provision for their support, to be allowed by the circuit court, or a judge thereof, having jurisdiction of the matter of such estate.

Second. Any allowance made by the court or judge, in accordance with the provisions of this section, must be paid in preference to all other charges, except funeral charges and expenses of administration, and any such allowance whenever made, may in the discretion of the court or judge, take effect from the death of the decedent.

Third. If the amount set apart be insufficient for the support of the widow and children, or either, the court or judge shall make such reasonable allowance out of the estate as shall be necessary for the maintenance of the family according to their circumstances during the progress of the settlement of the estate, which allowance, in case of an insolvent estate, shall not be longer than one year after granting letters testamentary or of administration.

SECTION 2. This Act shall take effect and be in force from and after the date of its passage and approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 41.**

## AN ACT

AUTHORIZING THE PAYMENT OF CERTAIN PERSONS FOR SERVICES  
ACTUALLY RENDERED TO THE CITY AND COUNTY OF HONO-  
LULU.

*Whereas*, the Board of Supervisors of the City and County of Honolulu, believing that under and by virtue of the powers given to said Board by the Act creating said City and County of Honolulu, said Board had the right to employ certain persons necessary to carry on the public work of said Municipality, and did, thereupon and thereafter either directly or through the Committees and agents of said Board, contract with and employ the persons necessary to perform such public work of said Municipality; and

*Whereas*, by decision and judgment of the Supreme Court of the Territory of Hawaii duly rendered and made on the 1st day of March, 1909, in the case of Territory of Hawaii Ex Relatione, Charles Coster v. Richard H. Trent, as Treasurer of the City and County of Honolulu, it was held and determined that said Board of Supervisors of the City and County of Honolulu had no legal right or authority so to employ persons to perform the public work of said Municipality; and

*Whereas*, the said persons so employed by said Board of Supervisors and by its Committees and Agents have actually performed work and rendered services to said City and County of Honolulu in reliance upon such contract and employment; and

*Whereas*, it is just and proper that those persons who have in good faith actually performed work and rendered services for the benefit of said City and County of Honolulu should receive payment therefor: *Now Therefore*

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION I. The Auditor of the City and County of Honolulu is authorized and directed to issue warrants on the Treasurer of the City and County of Honolulu in favor of the persons and

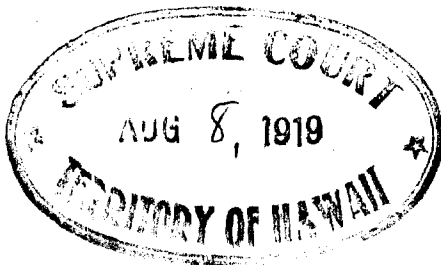
for the amounts set opposite their respective names, as appear on certain lists, certified to by the Mayor and his Secretary, the Clerk and Auditor of the City and County of Honolulu, which lists are also further identified by the Members of the Conference Committee of the Senate and House of Representatives respectively of the Territory of Hawaii, and which said lists are now on file in the office of the Clerk of the City and County of Honolulu, and amounting to the sum of Thirty-four Thousand Two Hundred Fifty-one and 74/100 (34,251.74) Dollars; provided, however, that all warrants heretofore issued by said Auditor to such persons for the respective amounts as designated in said lists or any portion thereof are hereby confirmed, validated and approved and shall have like effect as if said warrants were issued after the taking effect of this Act, and provided further that in any such case, said Auditor shall issue a warrant to any such person only for any excess of the amount authorized by this Act over the amount specified in the warrant or warrants heretofore issued to him. No warrant shall be issued until a receipt or receipts in full for the claim of the person named in the aforesaid lists in whose favor it is issued against the City and County of Honolulu up to and including February 28, 1909, is filed with said Auditor.

SECTION 2. When any warrant referred to in Section 1 hereof is presented to the Treasurer of the City and County of Honolulu, he shall pay the same out of any moneys in the Treasury and write or stamp on the face thereof the word "Paid," the date of payment, and sign his name thereto.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.



**ACT 42.**

## AN ACT

TO AMEND SECTIONS 186, 187 AND 188 OF THE REVISED LAWS  
RELATING TO THE DEPARTMENT OF PUBLIC INSTRUCTION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 186 of the Revised Laws is amended to read as follows:

“Section 186. Commissioners, appointment, tenure. The governor, in the manner prescribed in section 80 of the Organic Act, shall appoint six competent persons to act as commissioners. Two of such appointees shall be residents of the County of Hawaii, one of the County of Maui and one of the County of Kauai. They shall be commissioned for terms of two years. In case of a vacancy among the commissioners from any cause other than the expiration of the tenure of office, such vacancy shall be filled by appointment, and the term of office of such commissioner shall be the remainder of the term for which his predecessor was appointed.”

SECTION 2. Section 187 of the Revised Laws is amended to read as follows:

“Section 187. Who eligible. No person in holy orders or a minister of religion shall be eligible as a commissioner. Women shall be eligible to be appointed as commissioners; provided, however, that not more than two shall hold commissions at any one time. All commissioners shall serve without pay, but shall be entitled to reimbursement for their necessary expenses incurred while attending meetings.”

SECTION 3. Section 188 of the Revised Laws is amended to read as follows:

“Section 188. Quorum. The superintendent and three commissioners or, in the absence of the superintendent, four commissioners shall constitute a quorum for the transaction of business. At least one meeting shall be held in Honolulu during the months of January and July in each calendar year; such other meetings



shall be held as may be necessary for the proper transaction of the business of the department.”

SECTION 4. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 43.**

### AN ACT

TO PROVIDE FOR SERVICE ON CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Service of any notice or process authorized by law issued against any corporation, whether domestic or foreign, by any magistrate, court, judicial or administrative officer or board, may be made in the manner provided by law upon any officer or director of such corporation who shall be found within the jurisdiction of such magistrate, court, officer or board, and in default of finding such officer or director, upon the manager or superintendent of such corporation or any person who shall be found in charge of the property, business, or office of such corporation, within such jurisdiction.

Provided that if no officer, director, manager, superintendent or other person in charge of the property, business or office of such corporation can be found within the Territory, and in case such corporation, if a foreign corporation, shall have neglected to file with the officer specified in Section 2623 of the Revised Laws the name of a person upon whom legal notice and process from the courts of the Territory may be served, and likewise in the event that the person so named shall not be found within the Territory, such service may be made upon such corporation by filing

with the Treasurer of the Territory, or in his absence, with the Registrar of Public Accounts, a copy of such notice, or process, certified to be such under the seal of any court of record, or by the magistrate, or by the chairman, or president of such board, or by the officer issuing the same, and such filing shall be deemed service upon such corporation thirty days after such filing, and shall authorize such magistrate, board or officer to proceed in all respects as in the case of service personally made upon an individual.

SECTION 2. Nothing in this Act shall be construed to prevent service upon foreign corporations in the manner contemplated by Section 2623 of the Revised Laws.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 44.**

### AN ACT

TO AMEND CHAPTER 217 OF THE REVISED LAWS OF HAWAII, RELATING TO GAMBLING, BY ADDING THERETO TWO NEW SECTIONS, TO BE KNOWN AS SECTION 3175A AND SECTION 3175B.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Chapter 217 of the Revised Laws of Hawaii, be and the same is hereby amended by adding thereto two new sections to be known as Section 3175A and Section 3175B and to read as follows:

“Section 3175A. Every person who shall exhibit or expose to view in any room, house or place barred or barricaded or other-

wise built or protected in a manner to make it difficult of access or ingress to Police Officers, where three or more persons are present, any cards, dice, dominoes, or any gambling table layout, or any part of such layout, or any other gambling implements whatsoever used in any game of faro, monte, roulette, tan, fan tan, or any banking or percentage game played with cards, dice, dominoes, or any device for money, checks, credit or any representative of value, or any other game, in which money or anything of value is lost or won, is guilty of a misdemeanor.

“Section 3175B. Every person found present in any such room, house, or place barred or barricaded, or otherwise built or protected in a manner to make it difficult of access or ingress to Police Officers where are exhibited or exposed to view any cards, dice, dominoes, or any gambling layout, or any part of such layout or any other gambling implements whatsoever used in any game of faro, monte, roulette, tan, fan tan, or any banking or percentage game, played with cards, dice, dominoes, or any device for money, checks, credit or any representative of value, or any other game in which money or anything of value is lost or won, is guilty of a misdemeanor.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 45.**

### AN ACT

TO PROVIDE FOR INDETERMINATE SENTENCES FOR CERTAIN  
FELONIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever any person is convicted of a felony

except in cases in which the court is authorized to commit such person to the care of the Department of Public Instruction or to suspend sentence, and in cases of murder in the first degree, carnal abuse of a female under twelve, arson in the first degree, and contempt of court, the court in imposing sentence shall not fix the limit or duration of sentence but the term of imprisonment of any person so convicted shall not exceed the maximum nor be less than the minimum term prescribed by law for the crime for which the person was convicted and sentenced; Provided, that in all cases in which the maximum sentence in the discretion of the court may be life or any number of years, the court imposing the sentence shall fix the maximum sentence; Provided, Further, that in all cases in which no minimum sentence is prescribed by law the court imposing sentence shall fix such minimum sentence, which minimum shall not be more than five years, the release of such person to be determined as hereinafter provided.

SECTION 2. It shall be the duty of the judge before whom the prisoner is convicted and also of the prosecuting officer to furnish as soon as may be after sentence, to the Board of Prison Inspectors of the Judicial Circuit in which such person is confined, all information that they can give in regard to the career of the person before the commission of the crime for which he was sentenced, stating to the best of their knowledge whether the prisoner was industrious or not, of a good moral character or not, what his associates were, what his disposition was, and all other facts and circumstances that may tend to throw any light upon the question as to whether the prisoner may or will become a good citizen, and said Board of Prison Inspectors shall have the power to call upon any other official or person for similar information.

SECTION 3. When any prisoner shall be received into the Oahu Prison under sentence as herein provided the Warden shall cause to be entered in a register the date of such admission, the name, age, sex, nativity, nationality and such other facts as can be ascertained of the parentage, education, occupation and early social influences bearing upon the constitutional and acquired defects and tendencies of the prisoner. The physician of the said Oahu Prison shall carefully examine such prisoner when received and shall enter in a register to be kept by him the name, nationality, weight,

stature and family history of such prisoner and a statement of his physical condition. Upon the Warden's register shall be entered from time to time minutes of observed improvement or deterioration in the prisoner and any facts which may be brought to his knowledge bearing upon the question of parole and final discharge of the prisoner.

SECTION 4. Any prisoner who shall have served a term not less than the minimum as provided by law or pronounced by the court may be paroled by the Governor upon the recommendation of the Board of Prison Inspectors as by law provided.

SECTION 5. It shall be the duty of the Warden to keep in communication as far as possible with all prisoners who are on parole and when in his opinion any person, who has served not less than six months of his parole, has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law and that his final release is not incompatible with the welfare of society, the Warden shall so report to the Board of Prison Inspectors. The Board shall then consider the case of the prisoner so presented and when it decides that the prisoner is entitled to his final discharge it shall cause a record of the case to be made showing the date of committal to the prison, the record of the prisoner while detained there, the date of his parole, his record while on parole and the reasons for recommending his final discharge. Such record shall be signed by the Board and on being approved by the Governor, the prisoner shall receive from the Board a written discharge from further liability under his sentence.

SECTION 6. If any person liberated or finally discharged under the provisions of this Act shall, after such liberation or final discharge, commit a similar offense for which he was originally convicted, or any offense involving moral turpitude, then the Judge in passing sentence upon second conviction may, in his discretion, fix the minimum term of imprisonment to a term equal to double the minimum prescribed by law for such offense; or in case a minimum for such offense is not prescribed by law, then he may fix such minimum term of imprisonment to a term equal to double the minimum fixed by the Court upon said prior conviction.

SECTION 7. This Act shall apply only to persons convicted hereafter and shall take effect upon its approval.

Approved this 25th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 46.**

AN ACT

RELATING TO THE MILITIA, AMENDING SECTIONS 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 AND 165 OF THE REVISED LAWS OF HAWAII, ADDING NEW SECTIONS THERETO TO BE KNOWN AS SECTIONS 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A AND 162B, AND REPEALING SECTIONS 130, 141, 142, 159 AND 166.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION I. Sections 133, 134, 136, 137, 139, 140, 144, 149, 150, 153, 155 and 165 of the Revised Laws of Hawaii are hereby amended, and new sections to be known as Sections 135A, 136A, 136B, 136C, 152A, 152B, 156A, 162A and 162B of the Revised Laws of Hawaii, are hereby enacted to read as follows:

“Section 133. Units of Organization. The governor may organize the militia of the Territory of Hawaii into divisions, brigades, regiments, battalions, squadrons, troops, batteries, companies and signal corps in accordance with its strength as authorized from time to time and in conformity with the organization which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States.”

“Section 134. Disbanding, Consolidating, Etc. The governor may alter, divide, annex, consolidate, disband or reorganize the militia and create new organizations whenever, in his judgment,

the efficiency of the Territorial forces will be thereby increased, and he may at any time change the organization of regiments, battalions, squadrons, troops, batteries, companies and signal corps so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States, and for that purpose the number of officers and non-commissioned officers of any grade in regiments, battalions, squadrons, troops, batteries, companies and signal corps may be increased or decreased to the extent thereby made necessary."

"Section 135A. The Governor's Instructions. The governor's command is exercised through the adjutant general, who is charged with carrying out the policies of the governor in military affairs. He directly represents the governor and is bound always to act in conformity to the governor's instructions. The adjutant general's acts are the governor's acts, and his directions and orders are the governor's directions and orders."

"Section 136. General Staff Departments. There shall be the following general staff departments, which shall consist of the officers necessary to perform all of the duties appertaining thereto: Adjutant General's Department, Quartermaster's Department, Inspector General's Department, Judge-Advocate General's Department, Subsistence Department, Medical Department, Pay Department, Ordnance Department, Engineer Corps and Signal Corps. One officer may perform the duties of two or more offices. The adjutant general by virtue of his office shall be chief of staff."

"Section 136A. The Adjutant General. The adjutant general shall be in control of the military department of the Territory, and subordinate only to the governor in matters pertaining to said department. He shall perform such duties as are prescribed by law and such other military duties consistent with the regulations and customs of the United States Army as may be required by the governor."

"Section 136B. Duties of Adjutant General. The adjutant general is charged with the duty of supervising all troops of the line and all departments, arms and branches of the military forces. Such supervisory power covers primarily duties pertain-

ing to the command, discipline, training and recruitment of the militia, military operations, distribution of troops, inspections, armament, military education and instruction and kindred matters connected with fiscal administration and supply."

"Section 136C. Administration. The adjutant general shall from time to time make and publish such orders and regulations, not inconsistent with law, as in his opinion are necessary to bring the organization, armament, equipment and discipline of the organized militia to a state of efficiency as nearly as possible approaching that of the United States Army. He shall attest all commissions issued to military officers, and shall cause the military law, the general regulations for the militia and the Articles of War of the United States to be printed, indexed and bound in proper and compact form and distributed to the commissioned officers. He shall make a biennial report of the operations of his department and shall give a bond to the Territory in the sum of \$2,500.00."

"Section 137. Officers, Election, Appointment, Tenure. Commissioned officers must be citizens of the United States and not less than eighteen years of age. Officers may be elected or appointed upon the order of the governor, and officers may be ordered up for examination for promotion. All appointed officers, except those of the Judge-Advocate General, Medical and Engineer Departments and Chaplains, shall be selected and appointed from the commissioned officers of the National Guard. General staff and field officers shall be commissioned for four years, line officers not above the rank of captain shall be commissioned for three years. An order of the governor reappointing an officer, continues the commission of such officer in force for a corresponding length of time as the original commission was issued for. The commissions of all officers shall continue in force until they are regularly relieved from duty, responsibility and accountability in accordance with law. When vacancies exist in offices of commissioned officers in companies, an election may be held or the non-commissioned officers of such companies may be ordered up for competitive examination for promotion as officers. Five days notice shall be given of all elections."



“Section 139. Removal and Discharge of Officers. A commissioned officer can not be dismissed or discharged from the service without his consent, except upon the sentence of a general court martial or the findings of a board of inquiry, as prescribed in Section 140 of this chapter.”

“Section 140. Examination and Discharge of Officers. The governor may, whenever he may deem that the good of the service requires it, order any commissioned officer before a board of examination, to consist of not less than three nor more than five general staff and field officers. Such board shall have the power of courts of inquiry and courts-martial, and shall examine into the moral character, capacity and general fitness for service of such commissioned officer and record and return the testimony taken and a record of its proceedings. If the findings of such board be unfavorable to such officer and be approved by the governor, he shall be discharged from the service. No officer whose grade or promotion would in any way be affected by the decision of such board in any case that may come before it shall participate in the examination or decision of the board in such case. Failure to appear when ordered before a board constituted under this section shall be sufficient ground for a finding by such board that the officer ordered to appear be discharged, unless sufficient reason be known to the board to account of such failure.”

“Section 144. Resignations. Resignations of officers must be in writing addressed to the adjutant general, and shall state the reasons for such resignation. Resignations shall be transmitted through immediate commanding officers, who shall make indorsements thereon. Resignations shall take effect when accepted by the governor and announced in orders.”

“Section 149. Discharge of Enlisted Men. An enlisted man will not be discharged before the expiration of his term of service except: 1. By order of the governor. 2. By sentence of a general court-martial or military commission. 3. Upon disability established by certificate of a medical officer.

Honorable discharge may be granted:

To accept promotion by commission; upon removal of residence

from the Territory or out of the bounds of the command to which the man belongs to so great a distance that in the opinion of his commanding officer he can not properly perform his military duty; to a man rendered supernumerary by the reduction of the organization of which he is a member, or who is a member of an organization which shall be disbanded.

Honorable discharges, discharges without honor and dishonorable discharges may be granted in like manner and for the same reasons as are prescribed by the regulations for the Army of the United States.

Dishonorable discharges may also be granted:

To a man convicted of a felony in a civil court; to a man for neglecting or refusing to pay any fine imposed by any military court within thirty days after it was imposed."

"Section 150. Oaths. Every person appointed or commissioned as an officer or who enlists or re-enlists shall sign and take an oath of allegiance to the Territory of Hawaii and the United States, such oath to be in such form as may be prescribed by the regulations issued by the commander-in-chief. A person making a false oath as to any statement contained in any enlistment paper or oath shall be guilty of perjury and upon conviction sentenced therefor as provided by law."

"Section 152A. Relief from Civil or Criminal Liability. Members of the militia ordered into active service of the Territory by any proper authority shall not be liable, civilly or criminally, for any act or acts done by them in pursuance of duty in such service."

"Section 152B. Same. No action or proceeding shall be prosecuted or maintained against a member of a military court or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or collection of a fine or penalty, or the execution of any writ, warrant, execution, process or mandate of a military court."

"Section 153. Dishonorable Discharge, Effect. Any officer or enlisted man of the militia who shall be dishonorably dismissed or discharged from the National Guard of Hawaii, shall thereby

be disqualified from holding any office or employment in the service of the Territory of Hawaii or any city or county thereof, unless pardoned by the governor."

"Section 155. Active Service. Active service is defined to be any duty or service done under or in pursuance of an order of the President of the United States, an order of the Governor of the Territory of Hawaii, or an order issued by the War Department of the United States. Any officer or body of troops while on active service for the Territory may be relieved from such duty by order of the proper authority."

"Section 156A. Regulations for United States Army to Apply. Whenever any portion of the militia shall be on active service under or pursuant to the order of the governor, or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to the process of this Territory, or imminent danger thereof, or for any other cause, the Articles of War, and Regulations governing the Army of the United States, as far as such regulations are consistent with this chapter and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall be duly relieved from such duty. As to offenses committed when such Articles of War are so in force, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment herein vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such articles of war or the regulations or laws governing the United States Army, or the customs and usages thereof, subject to the limitations prescribed by Section 174 of this chapter."

"Section 162A. Failure to Return Arms, Etc. Every member of the militia who shall wilfully neglect to return to the armory of the company or place in charge of the commanding officer of the company to which he belongs, any arms, uniform or equipment or portion thereof issued to him by the Territory or its officers, within six days after being notified by said commanding officer to do so, shall be guilty of a misdemeanor, and upon convic-

tion shall be punished by a fine of not more than fifty dollars or imprisonment not more than thirty days."

"Section 162B. Wearing of Uniform for Private Purposes. Any member of the militia wearing a uniform or any portion thereof issued by the United States or Territory of Hawaii, except for military purposes, without permission being first obtained from an officer authorized to grant such permission by the governor, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than twenty-five dollars, or imprisonment not more than thirty days."

"Section 165. Military Courts. The military courts of this Territory shall be: 1. General courts-martial; 2, Regimental or Garrison courts-martial; 3, The summary court; 4, Courts of Inquiry. The constitution and jurisdiction of courts-martial, the form and manner in which the proceedings of military courts shall be conducted and recorded, and the forms of oaths and affirmations taken in the administration of military law by such courts, and the limits of punishment and the proceedings in revision shall be governed by the articles of war and the law and procedure of the courts-martial of the United States. The jurisdiction of the courts and boards established by this chapter shall be presumed, and the burden of proof shall rest upon any person seeking to oust such courts or boards of jurisdiction in any action or proceeding."

SECTION 2. Sections 130, 141, 142, 159 and 166 of the Revised Laws of Hawaii are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 47.**

## AN ACT

MAKING IT A MISDEMEANOR TO DEPOSIT OR CAUSE TO BE DEPOSITED IN ANY HIGHWAY IN THE TERRITORY OF HAWAII ANY SUBSTANCE DANGEROUS TO TRAFFIC, AND PROVIDING A PENALTY THEREFOR.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whoever negligently or maliciously scatters, throws, drops or deposits, or causes to be scattered, thrown, dropped or deposited, any paper, glass, glass bottle, tin can, nail, tack, wire, stone or other substance dangerous to traffic on any highway, street, road, alley or lane in the Territory of Hawaii, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding one hundred dollars.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 48.**

## AN ACT

TO AMEND SECTIONS 1299 AND 1306 OF THE REVISED LAWS OF HAWAII, RELATING TO STAMP DUTIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1299 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1299. All instruments may be stamped by the Registrar of Public Accounts within three months after the execution thereof without any penalty being charged; but if

stamped after the expiration of such three months the instrument shall be liable to, and the person presenting the same shall pay a penalty of one hundred per cent. of the amount of the duty; provided, however, that instruments executed in foreign countries may be stamped within three months after their arrival in this Territory without the payment of any penalty."

SECTION 2. Section 1306 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1306. The Registrar of Public Accounts shall in all cases assess the duty payable upon all instruments and on payment of the same he shall affix stamps denoting the amount paid and shall also denote the day of payment.

The Registrar of Public Accounts may demand, and he is, by virtue hereof, entitled to receive, from the party who presents an instrument for the purpose of assessment, or any one acting for a person interested in the transfer, such information or statement of facts either written or oral as he may require for the purposes of properly arriving at a basis for stamp assessment; and for the purposes aforesaid, said Registrar of Public Accounts is hereby empowered to examine under oath by him administered the party or parties offering such information or facts concerning the consideration of a transfer."

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 49.**

### AN ACT

TO AMEND SECTION 4 OF ACT 23 OF THE SESSION LAWS OF 1905, RELATING TO THE FILING OF PLANS AND SURVEYS OF LAND IN THE OFFICE OF THE REGISTRAR OF CONVEYANCES, AND TO ADD A NEW SECTION TO SAID ACT TO BE KNOWN AS SECTION 4A.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4 of Act 23 of the Session Laws of 1905 is amended to read as follows:

“Section 4. It shall not be lawful for the Registrar of Conveyances to accept for record and record any plan of land, whether attached to, made a part of, or independent of, any deed, certified copy of judgment of condemnation, or other instrument, after this Act takes effect; to the end and purpose that hereafter there shall be no plans recorded in the record books, but in substitution therefor there shall be a single method of filing plans in the Archives of the office of the said Registrar of Conveyances.”

SECTION 2. A new section to be known as Section 4A is added to Act 23 of the Session Laws of 1905 of Hawaii to read as follows:

“Section 4A. The Registrar of Conveyances shall furnish, when so requested, blue print copies of any map or plan filed in accordance with this Act, duly certified by his seal of office, upon payment of the fee of two dollars for each copy so furnished which fee shall be paid into the Territorial treasury by the said Registrar.”

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 50.**

### AN ACT

DECLARING AND DESIGNATING A CERTAIN TRACT OF LAND AT  
MAKAOKU, WAIAKEA, HILO, HAWAII, AS A PUBLIC PARK.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The tract of land hereinafter described is hereby declared and dedicated as a public park.

All that certain tract of land in the Ili of Makaoku, Waiakea, Hilo, Hawaii, known as Block 2 and more fully described as follows, to wit:

Beginning at the East corner of Aalapuna and Kainehe Avenues, marked by a pipe and pile of stones, the coordinates of said point referred to Government Survey Trig. Station "Halai" being 3814.04 feet North and 10154.61 feet East, as shown on Government Survey Registered Map No. 2383, and running by true azimuths:

1. 197° 24' 30" 565.06 feet along the East line of Kainehe Avenue to a pipe and pile of stones at the South corner of Kainehe Avenue and Kanakea Road;
2. 309° 15' 00" 323.14 feet along the South line of Kanakea Road to a spike and pile of stones at the West corner of Kanakea Road and Kilohana Avenue;
3. 17° 24' 30" 444.88 feet along the West line of Kilohana Avenue to a pipe and pile of stones at the North corner of Kilohana Avenue and Aalapuna Avenue;
4. 107° 24' 30" 300.00 feet along the North line of Aalapuna Avenue to the point of beginning. Area 3.48 Acres.

SECTION 2. This Act shall become law from and after the date of its approval.

Approved this 31st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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### *ACT 51.*

#### AN ACT

DECLARING AND DESIGNATING A CERTAIN TRACT OF LAND AT  
HILO, HAWAII, AS A PUBLIC PARK.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The tract of land hereinafter described is hereby declared and dedicated as a public park.



All that certain tract of land at the corner of Pitman and Ponahawai streets, Hilo, Hawaii, more fully described as follows, to wit:

Beginning at the new north corner of Pitman and Ponahawai streets, the coordinates of said corner referred to Government Survey Trig. Station "Halai" being 1491.92 feet north and 3583.05 feet east, as shown on Government Survey Registered Map No. 1561, and running by true azimuths:

- (1) 148° 55' 242.0 feet along new line of Pitman street;
- (2) 218° 15' 236.6 feet along L. C. A. 1100 to Puna;
- (3) 311° 40' 60.0 feet along L. C. A. 2257 to Anderson;
- (4) 338° 50' 249.6 feet along L. C. A. 1107 to Lahaina;
- (5) 52° 30' 198.0 feet along new line to Ponahawai street to the point of beginning. Area 1.37 Acres.

SECTION 2. This Act shall become law from and after the date of its approval.

Approved this 31st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## *ACT 52.*

### AN ACT

TO REPEAL SECTION 259 AND TO AMEND SECTION 260 OF THE  
REVISED LAWS OF HAWAII, RELATING TO COVENANTS FOR  
RENEWAL AT AUCTION OF CERTAIN GOVERNMENT LEASES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 259 of the Revised Laws of Hawaii is hereby repealed.

SECTION 2. Amend Section 260 of said Revised Laws by striking out the word "sections," and insert in lieu thereof the

word "section"; also strike out the figures "259" in line two of said Section.

SECTION 3. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

### **ACT 53.**

#### AN ACT

TO AMEND SECTION 35 OF ACT 118 OF THE SESSION LAWS OF 1907 RELATING TO THE BONDS OF CITY AND COUNTY OFFICERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 35 of Act 118 of the Session Laws of 1907 is amended by striking out after the words "City and County Auditor," the words and figures "Five Thousand (\$5,000.00) Dollars," and inserting in place thereof the words and figures "Twenty-five Thousand (\$25,000.00) Dollars."

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

### **ACT 54.**

#### AN ACT

TO AMEND SECTION 24 OF ACT 39, SESSION LAWS OF 1905, RELATING TO THE BONDS OF COUNTY OFFICERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 24 of Act 39 of the Session Laws of 1905 is amended by changing the paragraph relating to auditors so as to read as follows:

“Auditor: County of Hawaii, Twenty Thousand (\$20,000) Dollars; County of Maui, Fifteen Thousand (\$15,000) Dollars; County of Kauai, Fifteen Thousand (\$15,000) Dollars.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 55.**

### AN ACT

TO PROVIDE FOR THE ACQUISITION OF LAND AND OTHER PROPERTY FOR PUBLIC PURPOSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. When private property is required for a public use and no special provision is made for the acquisition thereof, any public land which by law might be exchanged for such private property may, with the approval of the Governor, be sold at public auction in the manner provided by law, and the proceeds or so much thereof as may be necessary, used by the Commissioner of Public Lands or Superintendent of Public Works as the case may be, for the acquisition of such private property so required.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 56.**

## AN ACT

TO PROTECT PURCHASERS OF REAL ESTATE FROM FRAUDULENT  
CONVEYANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whoever sells and conveys any land or other real property knowing that an undischarged attachment, mortgage or other incumbrance exists thereon which is not noted in the deed or other evidence of title delivered, without informing the grantee of such attachment, mortgage or other incumbrance before the consideration is paid, shall upon conviction be punished by imprisonment at hard labor not exceeding five years.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 57.**

## AN ACT

TO PROVIDE FOR THE DISPOSITION OF FUNDS RECEIVED UPON  
SALE OF CERTAIN PUBLIC LANDS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever any lands, held under the agreement of sale provided for in Section 276, Revised Laws of Hawaii, revert to the Government by reason of the determination of such agreement, and are again sold, the Commissioner

of Public Lands shall set apart from the proceeds of such sale the amount due the original purchaser under the provisions of said Section 276, and shall make a special deposit of such sum with the Treasurer of the Territory.

SECTION 2. The sum so deposited shall be payable to the outgoing tenant by warrant drawn by the Auditor upon a certified voucher of the Commissioner.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 1st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 58.**

AN ACT

TO AMEND SECTION 13 OF ACT 39 OF THE SESSION LAWS OF 1905  
AS AMENDED BY SECTION I OF ACT 54 OF THE SESSION LAWS  
OF 1905, RELATING TO DEPUTY SHERIFFS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 13 of Act 39 of the Session Laws of 1905 as amended by Section I of Act 54 of the Session Laws of 1905 is hereby amended so as to read as follows:

“Section 13. Within each and every district of the counties of Hawaii, Maui and Kauai, the sheriff shall appoint a deputy sheriff and may remove any such deputy sheriff for cause. Every deputy sheriff shall be a duly qualified elector of the Territory of Hawaii, and shall have resided within the district for which he is appointed for a period of not less than one year previous to the date of his appointment.”

SECTION 2. This Act shall take effect upon its approval, but shall not affect the tenure of office of the present deputy sheriffs.

Approved this 1st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 59.**

AN ACT

TO PROVIDE FOR THE VESTING OF TITLE OF TRUST ESTATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. In the case of the valid appointment or succession of any trustee to fill a vacancy in any trusteeship, whether such vacancy be caused by death, removal or otherwise, any circuit judge sitting in equity at chambers and having jurisdiction over the subject matter of the trust, may make a vesting order which shall vest the legal title in and to the trust property situate in the Territory of Hawaii in the trustee so appointed or succeeding, subject to the trust, solely, unless there be a co-trustee or co-trustees in which case in the new trustee and his co-trustee or co-trustees as the case may be jointly.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 3rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 60.**

## AN ACT

TO AMEND ACT 84 OF THE SESSION LAWS OF 1905, RELATING TO ATTACHMENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 2 of Act 84 of the Session Laws of 1905, be amended so as to read as follows:

“Section 2. The plaintiff, in any action upon a contract, express or implied, may, at the time of commencing such action, or at any time afterward before judgment, have the property of the defendant, or that of any one or more of several defendants, which is not exempt from execution, attached in the manner hereinafter prescribed, as security for the satisfaction of such judgment as he may recover, but no writ of attachment shall be issued against the Territory, or any political or municipal corporation or subdivision thereof.”

SECTION 2. That Section 3 of Act 84 of the Session Laws of 1905, be amended so as to read as follows:

“Section 3. The writ of attachment shall be issued by the clerk of the court in which the action is pending; but before any such writ of attachment shall issue, the plaintiff, or some one in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets) and that the attachment is not sought and the action is not prosecuted to hinder, delay or defraud any creditor of the defendant.”

SECTION 3. That Section 5 of Act 84 of the Session Laws of 1905, be amended to read as follows:

“Section 5. The defendant may at any time before judgment move the court for additional security on the part of the plaintiff, and if, on such motion, the court is satisfied that any surety on the plaintiff's bond has removed from the Territory, or that the surety is not sufficient, the attachment may be

vacated and restitution directed of any property taken under it, unless in a reasonable time, to be fixed by the court, further security is given by the plaintiff in such amount and form as shall be approved by the court.

In case the defendant shall obtain judgment he shall be entitled to have taxed against the plaintiff as costs, in addition to such other costs as may be allowed by law, a reasonable attorney's fee of not more than fifty dollars, to be fixed by the court."

SECTION 4. Section 6 of Act 84 of the Session Laws of 1905, be amended to read as follows:

"Section 6. In an action on such bond the plaintiff therein may recover, if he shows that the attachment was wrongfully sued out, the actual damages sustained and reasonable attorney's fees, of not more than fifty dollars in any case, to be fixed by the court; and if it be shown that such attachment was sued out maliciously, he may recover exemplary damages; but no action shall be maintained on any such bond until after final judgment in the action, unless the same be discontinued or dismissed."

SECTION 5. This Act shall take effect on its approval.

Approved this 3rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 61.**

### AN ACT

TO AMEND SECTION 2625 OF THE REVISED LAWS OF HAWAII,  
AMENDED BY SECTION 2 OF ACT 98 OF THE SESSION LAWS  
OF 1905, RELATING TO FOREIGN CORPORATIONS

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2625 of the Revised Laws of Hawaii as amended by Section 2 of Act 98 of the Session Laws of 1905, is hereby amended so that the same shall read as follows:



"Section 2625. Annual License. No foreign corporation, except foreign insurance companies, which does not invest and use all its capital in this Territory, shall have an office or offices in this Territory for the use of its officers, stockholders, agents, or employees, unless it shall first have obtained from the Treasurer an annual license to do so; and for said license, every such corporation shall pay into the treasury of the Territory, for the use of the Territory, annually, the sum of One Hundred Dollars, and the Treasurer shall not issue a license to any corporation until said license fee shall have been paid.

"The Treasurer is hereby authorized to settle and have collected an account against any company violating the provisions of this Section for the amount of such license fee, together with a penalty of fifty per centum for failure to pay the same. Provided, that no license shall be necessary for any corporation engaged solely in the business of foreign or interstate commerce, or while solely employed by the Government of the United States."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 62.**

### AN ACT

TO REGULATE THE EXPENDITURE OF PUBLIC MONEY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No expenditure of public money, except for salaries or pay of officers or employees, or for permanent settlements, subsidies or other claims or objects for which a fixed sum or sums must be paid by law, or for other purposes which do not admit of competition, where the sum to be expended

shall be Five Hundred Dollars (\$500.00) or more, shall be made, except under contract let after public advertisement for sealed tenders, in the manner provided by law; and no expenditure for public purposes shall be so divided or parcelled as to defeat or evade the provisions of this section. Provided, however, that any county, or city and county may, if its Board of Supervisors shall so decide, expend sums in excess of Five Hundred Dollars (\$500.00) upon road work or repairs without contracting therefor.

SECTION 2. All such contracts shall be in writing, shall be executed in the name of the Territory, county or city and county, as the case may be, by the officer letting the same, and shall be made with the lowest responsible bidder after publication of a call for tenders, for not less than ten days, in a newspaper of general circulation printed and published within said Territory. Before any contract is entered into such security for performance as shall be satisfactory to the officer letting the contract shall be furnished by the successful bidder.

All bids shall be accompanied by a certificate of deposit or certified check, on a bank doing business within the Territory of Hawaii, for a sum equal to five per cent. of the amount bid, payable at sight to the officer advertising for tenders. If the bidder to whom the contract is awarded shall fail or neglect to enter into the contract and furnish satisfactory security within five days after such award or within such further time as such officer may allow, such officer shall draw the money due on such certificate of deposit or check and pay the same into the treasury as a realization of the Territory, county or city and county respectively; if the contract is entered into and the security furnished within such required time such certificate or check shall be returned to the successful bidder; the certificates or checks deposited by unsuccessful bidders shall be returned to them after the award of the contract.

All bids shall be sealed and delivered to the officer advertising therefor and shall be opened by him at the hour and place to be stated in the call for tenders in the presence of all bidders who attend, and may be inspected by any bidder. All

bids which do not comply with the requirements of the call for tenders shall be rejected.

When the officer advertising for bids believes that the prices bid are too high or that the bidders have combined to prevent competition, or that the public interest will be subserved thereby, he may reject all bids.

SECTION 3. No such contract shall be binding or of any force unless the auditor of the Territory, county or city and county, as the case may be, shall endorse thereon his certificate that there is an available unexpended appropriation or balance of an appropriation over and above all outstanding contracts sufficient to cover the amount required by such contract.

SECTION 4. No warrant shall be drawn for any sum on account of any salary or pay roll in excess of the amount then due, nor shall any warrant for any purpose be drawn except in accordance with the provisions of law.

SECTION 5. Whenever a specific appropriation is made for a particular object, it shall be unlawful to make any expenditure from a general appropriation which would otherwise cover such particular object.

SECTION 6. No expenditure shall be made under any general appropriation for emergencies except for urgent causes arising when the Legislature is not in session, or without the approval of the governor.

SECTION 7. Any public officer who shall falsely certify or approve for payment any bill or voucher, or any claim against the Territory or any county or city and county, or who shall knowingly incur any liability in excess of appropriations made, and any auditor who shall violate any provisions of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 8. No expenditure of public money for Territorial purposes, except for salaries or pay of officers or employees or for permanent settlements, subsidies or other claims or objects for which a fixed sum or sums must be paid by law, shall be

made except by, through or with the written approval of a purchasing agent, who shall be appointed by the governor, by and with the approval of the Senate, and be subject to his supervision and control.

SECTION 9. This Act shall take effect upon its approval.

Approved this 3rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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### **ACT 63.**

TO AMEND SECTION 1019 OF THE REVISED LAWS OF HAWAII,  
RELATING TO VACCINATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1019 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 1019. Manner of Vaccination. No child shall be vaccinated except after an opportunity has been given to the parent or guardian to be present at such vaccination, unless such parent or guardian shall have consented in writing to such vaccination, and then only by a duly licensed and authorized physician who shall use for such vaccination bovine virus only, obtained from standard manufacturers; such vaccination shall be only by means of scarifier and points put up in hermetically sealed tubes or other antiseptic receptacles; each receptacle shall be opened immediately before a scarifier or point is to be used, in the presence of the person to be vaccinated, and no scarifier or point shall be used for the vaccination of more than one person.

Any person violating any provision of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500.00) Dol-

lars or by imprisonment not to exceed one year, or by both such fine and imprisonment.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 64.**

AN ACT

TO AMEND SECTION 1278 OF THE REVISED LAWS, AS AMENDED BY ACT 87 OF THE SESSION LAWS OF 1905, RELATING TO INCOME TAX.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1278 of the Revised Laws, as amended by Act 87 of the Session Laws of 1905, is hereby amended by striking therefrom the words “one thousand” and inserting in lieu thereof the words “fifteen hundred.”

SECTION 2. This Act shall take effect on the first day of January, 1910.

Approved this 6th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 65.**

AN ACT

TO PROVIDE FOR THE DISPOSITION OF THE PROCEEDS ARISING FROM AGRICULTURE AND INDUSTRIAL PURSUITS IN CERTAIN SCHOOLS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All money arising from agricultural and industrial pursuits at the Lahainaluna school and the Boys' Industrial school

at Waialeale respectively shall, upon receipt thereof, be deposited with the treasurer of the Territory. The money from each of said schools is hereby appropriated for the use of the Department of Public Instruction to be expended by it in the care, maintenance and operation of such schools.

SECTION 2. Act 131 of the Session Laws of 1907 is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 66.

### AN ACT

TO AMEND SECTION I OF ACT 33 OF THE SESSION LAWS OF 1909 ENTITLED "AN ACT TO PROMOTE THE CONSERVATION AND DEVELOPMENT OF THE NATURAL RESOURCES OF THE TERRITORY THROUGH IMMIGRATION AND OTHER MEANS BY IMPOSING A TAX ON INCOMES AND APPROPRIATING THE PROCEEDS FOR SUCH PURPOSE."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section I of said Act 33 of the Session Laws of 1909 is hereby amended by adding thereto the following:

"Provided, however, that such tax shall not be levied or assessed upon money and the value of personal property acquired by gift or inheritance."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 67.**

## AN ACT

TO AMEND SECTION 3032 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3032 of the Revised Laws of Hawaii is amended to read as follows:

“Section 3032. Any person who shall unlawfully wear the badge adopted by the national encampment of the grand army of the republic as a mark of membership, or the official badge of any lawfully organized fraternal society, or the official badge of the united Spanish war veterans, or who shall wear the same to obtain aid or assistance thereby, unless he shall be entitled to wear the same under the rules and regulations of the order in which he so claims membership, shall be guilty of a misdemeanor, and on conviction, shall be punished by imprisonment in jail for a term not to exceed twenty days, or by a fine not to exceed twenty dollars, or by both.”

SECTION 2. This Act shall take effect on and after the date of its approval.

Approved this 8th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 68.**

## AN ACT

TO AMEND SECTIONS 3, 4 AND 5 OF ACT 104 OF THE SESSION LAWS OF 1907, BEING “AN ACT TO PROVIDE FOR THE PROTECTION OF BIRDS BENEFICIAL TO THE FORESTS OF THE TERRITORY OF HAWAII, AND TO DEFINE THE SAME.”

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 3, 4 and 5 of Act 104 of the Session Laws of 1907 are hereby amended so as to read as follows:

"Section 3. It shall be unlawful for any person to catch or kill any *beneficial and perching bird* (or Passerine) other than those specified in Section 2, or to have in his or her possession the body of any such bird, with the intention to destroy the same, or to take, destroy or have in possession the nest or eggs of any such bird.

"Section 4. Any person violating this Act shall be guilty of a misdemeanor and on conviction shall be fined Ten Dollars (\$10.00) for each offense, and Fifty Dollars (\$50.00) for each *beneficial and perching bird* (or Passerine) killed or caught, other than those specified in Section 2, or for each body or part of the body of such bird that he or she has in possession, or for each nest or egg of such bird as is destroyed or possessed in violation of this Act; or shall be liable to imprisonment for two weeks or to both fine and imprisonment at the discretion of the court; provided, however, that the preceding sections of this Act shall not apply to any person holding a permit, issued in accordance with the provisions of the next Section of this Act, giving him or her the right to collect any species of *beneficial and perching bird* (or Passerine), their eggs or nests for scientific purposes only, unless such person shall violate the conditions of such permit.

"Section 5. To any person who shall furnish satisfactory evidence that he or she is a duly authorized agent of some scientific institution and is collecting birds, their nests or eggs, for such institution, or for private scientific study, and not for sale, the Commissioners of Agriculture and Forestry of this Territory, or such agent as they appoint, may issue a permit to collect for such scientific purposes, a limited number of any species of *beneficial and perching* (Passerine) birds. (the number of each and any species that may be caught or killed being stated by the aforesaid Commissioners of Agriculture and Forestry or the agent appointed by them), at any time between and including the first day of October and the last day of February next following, but at no other time whatsoever. Provided that no such permit shall be issued to any person, scientists not excepted, to kill, catch, destroy or molest the birds, nests or eggs of the Hawaiian goose (Nene) for a period of four years ending March 1, 1913."



SECTION 3. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 69.**

AN ACT

RELATING TO ACKNOWLEDGMENT AND EXECUTION OF WRITTEN INSTRUMENTS, AND REPEALING SECTIONS 2361, 2362, 2366, 2367 AND 2368 OF THE REVISED LAWS, ACT 70 SESSION LAWS OF 1905 AND ACT 60 OF THE SESSION LAWS OF 1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. To entitle any conveyance or other instrument to be recorded there shall be endorsed, subjoined or attached thereto an acknowledgment in the form now in use in this Territory, or the following:

(Begin in all cases by a caption specifying the State or Territory and the place where the acknowledgment is taken.)

1. In the case of natural persons acting in their own right:

On this ..... day of ..... 19..., before me personally appeared A. B. (or A B and C D), to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

2. In the case of natural persons acting by attorney:

On this ..... day of ..... 19..., before me personally appeared A. B., to me known to be the person who executed the foregoing instrument in behalf of C. D., and acknowledged that he executed the same as the free act and deed of said C. D.

3. In the case of corporations or joint-stock associations:

On this ..... day of ..... 19..., before me appeared A. B., to me personally known, who, being by me duly

sworn (or affirmed), did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association) and that the seal affixed to said instrument is the corporate seal of said corporation (or association), and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its Board of Directors (or trustees), and said A B acknowledged said instrument to be the free act and deed of said corporation (or association).

(In case the corporation or association has no corporate seal, omit the words "the seal affixed to said instrument is the corporate seal of said corporation (or association), and that" and add, at the end of the affidavit clause, the words, "and that said corporation (or association) has no corporate seal.")

(In all cases add signature and title of the officer taking the acknowledgment.)

SECTION 2. The acknowledgment of a married woman when required by law may be taken in the same form as if she were sole and without any examination separate and apart from her husband.

SECTION 3. The proof or acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to enable the same to be recorded or read in evidence, when made by any person without this Territory and within any other State, Territory or District of the United States, may be made before any officer of such State, Territory or District authorized by the laws thereof to take proof and acknowledgment of deeds and when so taken and certified as herein provided, shall be entitled to be recorded in this Territory, and may be read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers now authorized by law to take such proofs and acknowledgments, and whose authority so to do is not intended to be hereby affected.

SECTION 4. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in this Territory, there shall be endorsed, subjoined or attached to the certificate of proof or acknowledgment, signed by such officer, a certificate of the Secretary of State of the State or Territory in which such officer resides, under the

seal of such State or Territory, or a certificate of the clerk of a court of record of such State, Territory or District in the county in which said officer resides or in which he took such proof or acknowledgment, under the seal of such court, stating that such officer was, at the time of taking such proof or acknowledgment, duly authorized to take acknowledgments and proofs of deeds of lands in said State, Territory or District, and that said Secretary of State, or Clerk of Court, is well acquainted with the handwriting of such officer, and that he verily believes that the signature affixed to such certificate of proof or acknowledgment is genuine. Such authentication of the proof of acknowledgment of a deed or other written instrument when taken without this Territory and within any other State, Territory or District of the United States, shall be in substantially the following form:

Begin with a caption specifying the State, Territory or District, and county or place, where the authentication is made.

I, ..... Clerk of the ..... in and for said County, which Court is a Court of Record, having a seal (or I, ..... the Secretary of State of such State or Territory) do hereby certify that ..... by and before whom the foregoing acknowledgment (or proof) was taken, was at the time of taking the same, a notary public (or other officer) residing (or authorized to act) in said county, and was duly authorized by the laws of said State (Territory or District) to take and certify acknowledgments or proofs of deeds of land in said State (Territory or District), and further that I am well acquainted with the handwriting of said ....., and that I verily believe that the signature to said certificate of acknowledgment (or proof) is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court (or state) this .... day of ..... 19...

SECTION 5. The proof or acknowledgment of any deed or other instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without the United States may be made before any officer now authorized thereto by the laws of this Territory, or before any minister, consul, vice-consul, charge d'affaires, consular

or commercial agent, vice-consular or vice-commercial agent of the United States, resident in any foreign country or port, and when certified by him under his seal of office it shall be entitled to be recorded in this Territory, and may be read in evidence in any court of this Territory, in the same manner and with like effect as if duly proved or acknowledged within this Territory.

SECTION 6. No acknowledgment of any conveyance or other instrument, except as provided by this Act, whereby any real estate is conveyed or may be affected shall be taken, unless the person offering to make such acknowledgment shall be personally known to the officer taking the same to be the person whose name is subscribed to such conveyance or instrument as a party thereto, or shall be proved to be such by the oath or affirmation of a credible witness known to the officer.

SECTION 7. Every officer who shall take the acknowledgment of any instrument, shall endorse, subjoin, or attach a certificate thereof, signed by himself, on the instrument.

Every judge who shall take the proof of any instrument, shall endorse, subjoin, or attach a certificate thereof, signed by himself, on the instrument, giving the names of the witnesses examined before him, their places of residence, and the substance of the evidence by them given.

SECTION 8. To entitle any conveyance, or other instrument to be recorded, it shall be acknowledged by the party or parties executing the same, before the Registrar of Conveyances, or his deputy, or before a Judge of a Court of Record or a Notary Public of this Territory. But if any party to an instrument executed within this Territory shall die, or depart from the Territory without having acknowledged his deed, or shall refuse to acknowledge it, the deed may be entered as of record on proof of its execution by a subscribing witness thereto before any Judge of a Court of Record of this Territory. If all the subscribing witnesses to such conveyance or other instrument shall be dead or out of the Territory, the same may be proved before any Court of Record in this Territory by proving the handwriting of the grantor and any subscribing witness.

SECTION 9. No certificate of acknowledgment contrary to the provisions of this Act or of the provisions of Sections 2363, 2364

and 2365 of the Revised Laws, except as otherwise provided by this Act, shall be valid in any Court of this Territory, nor shall it be entitled to be recorded in the office of the Registrar of Conveyances. But no certificate of acknowledgment executed before July 29, 1872, shall in consequence of anything in this Act or in said sections contained be deemed invalid.

SECTION 10. Sections 2361, 2362, 2366, 2367 and 2368 of the Revised Laws, Act 70 of the Session Laws of 1905 and Act 60 of the Session Laws of 1907, are hereby repealed.

SECTION 11. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 70.

### AN ACT

#### RELATING TO MILITIA ENROLLMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The tax assessor of each taxation division of the Territory of Hawaii shall at such times as he may be requested so to do by the Governor prepare a roll containing the names of all the inhabitants of his taxation division subject to military duty, two copies of which roll shall be sworn to by him before some person authorized by law to administer oaths and shall be delivered by him to the Adjutant General of the Territory of Hawaii. Such roll shall state the name, residence, age and occupation of each of the persons enrolled and also the previous existing military or naval service of each such person, and, if the Governor shall so direct, and as often as he shall so direct, such enrollment shall further show separately the names of all seafaring men of whatever calling or occupation, the names of all men engaged in the construction and management of ships and crafts, together with

the names of ship-owners and their employees, yacht owners, members of yacht clubs and all other associations for aquatic pursuits.

SECTION 2. If any assessor shall neglect or refuse to perform any of the duties required of him by this Act he shall be subject to the same liabilities as are provided by law for the neglect or refusal to properly perform any of the duties required of him in the assessment or collection of taxes.

SECTION 3. The assessors shall receive compensation for preparing the military roll aforesaid at the rate of \$5.00 for each one hundred names of persons enrolled by them as subject to military duty, to be paid out of such appropriations as may be made by the legislature for the incidental expenses of the National Guard.

SECTION 4. The assessor making the enrollment aforesaid shall at the time of making the same serve a notice of such enrollment upon each person enrolled, by delivering such notice to him or leaving it with some person of suitable age and discretion at his place of residence if known, and if not known by mailing such notice to his last known place of residence. The return of the enrolling officer filed with the original roll showing such mailing of such notice shall be prima facie evidence of service. All persons claiming exemption from military service shall within fifteen days after receiving such notice make a written statement of such claim of exemption in duplicate, each verified by affidavit, and file the same in the office of the assessor so enrolling him. Such affidavit shall be made before a person authorized by law to administer oaths and for administering any such oath no charge shall be made or compensation received by the officer administering the same. Each assessor shall within five days after receiving any such verified claim of exemption forward one original of each such claim to the Adjutant General aforesaid.

SECTION 5. All civil officers in each taxation division and all other persons shall upon the application of any assessor or his deputy or assistant making the enrollment aforesaid, give the name of and all other proper information concerning any person within their knowledge liable to be so enrolled. Any civil officer and any person refusing to give the name or other information in this section referred to or who shall knowingly give false information shall be deemed guilty of a misdemeanor and shall be punished

upon conviction of the same by a fine not exceeding one hundred dollars.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 71.

### AN ACT

TO AMEND SECTION 3018 OF THE REVISED LAWS RELATING TO  
CIRCULATION OF COMMERCIAL PAPER.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3018 of the Revised Laws is amended to read as follows:

“Section 3018. Issuing notes, bills, etc. Any person or corporation, or officer thereof, or any company of persons, who shall issue any note, bill, order, check, or certificate of deposit in any sum of money with the intent that the same shall be circulated as currency, shall be guilty of a misdemeanor, and for every offense shall be punished by a fine of fifty dollars, or be imprisoned not to exceed one month; provided that nothing in this section shall be construed to prohibit the issuing of clearing-house certificates by a duly organized clearing-house.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 72.**

## AN ACT

FOR THE RELIEF OF THE VOLCANO STABLES AND TRANSPORTATION  
COMPANY, LIMITED.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Auditor of the Territory is hereby authorized to draw a warrant against the appropriation for "Incidentals and General Expenses, all Divisions," for the current period ending June 30, 1909, in settlement of the claim of the Volcano Stables and Transportation Company, Limited, for five hundred and fifty dollars (\$550.00) for building a quarantine station at Hilo, Hawaii, during the month of November, 1908, under the orders of the Board of Commissioners of Agriculture and Forestry.

SECTION 2. This Act shall be in effect from the date of its approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii

**ACT 73.**

## AN ACT

TO AMEND SECTION 1806 OF THE REVISED LAWS OF HAWAII  
RELATING TO THE LIEN OF DISTRICT COURT JUDGMENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1806 of the Revised Laws of Hawaii is hereby amended by adding thereto the following paragraph:

"When a judgment which is a lien under this section is fully paid, the creditor shall, at the expense of the debtor, execute and acknowledge a release, signed by said creditor, or by his attorney



of record in the suit, and said release may be recorded in the judgment book in said registry.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 74.

### AN ACT

TO AMEND SECTION 2944 OF THE REVISED LAWS AS AMENDED BY ACT 7 OF THE SESSION LAWS OF 1907 AND TO REPEAL SECTION 2945 OF THE REVISED LAWS AND TO AMEND SECTION 2946 OF THE REVISED LAWS RELATING TO THE CRIME OF BURGLARY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2944 of the Revised Laws is hereby amended to read as follows:

“Section 2944. Burglary; Defined. Whoever, by night or day, enters the dwelling-house, room, building, store, mill, warehouse, outhouse or vessel of another, with intent to commit larceny in either the first or second degree, or any felony, therein, is guilty of burglary.”

SECTION 2. Section 2945 of the Revised Laws is hereby repealed.

SECTION 3. Section 2946 of the Revised Laws is hereby amended to read as follows:

“Section 2946. Entry. It is essential to burglary that there should be an entry, which may be made by introducing the hand, foot, finger, or any part of the body into the house, room, structure, or vessel entered; or by discharging or throwing any missile or introducing any instrument or any part thereof into the same,

with intent to commit larceny in either the first or second degree, or any felony therein.”

SECTION 4. This Act shall take effect upon approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

## **ACT 75.**

### AN ACT

TO AMEND SECTION 73 OF ACT 39 OF THE LAWS OF 1905 RELATING TO DEPUTY SHERIFFS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 73 of Act 39 of the Laws of 1905 is amended to read as follows:

“Section 73. Each deputy sheriff shall, within his respective district, have the powers and under the direction and control of the sheriff of his county perform the duties required by law of sheriffs.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

## **ACT 76.**

### AN ACT

TO AMEND SECTION 128 OF ACT 118 OF THE LAWS OF 1907 RELATING TO DEPUTY SHERIFFS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 128 of Act 118 of the Laws of 1907 is amended to read as follows:

“Section 128. Each deputy sheriff shall, within his respective district, have the powers and under the direction and control of the sheriff perform the duties required by law of the sheriff.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 77.**

### AN ACT

RELATING TO INVENTORIES OF GOVERNMENT ASSETS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be the duty of the Secretary of the Territory, the Superintendent of Public Works, the Commissioner of Public Lands, the Treasurer of the Territory, the Attorney General, the Superintendent of Public Instruction, the President of the Board of Commissioners of Agriculture and Forestry, the Auditor of the Territory, the Surveyor of the Territory, the High Sheriff of the Territory, the Clerk of the Judiciary Department (for the whole Judiciary Department of the Territory), the President of the Board of Health, and all other persons and boards of a public character having in their custody or under their control or in any wise using property belonging to the Territory of Hawaii (which latter persons and Boards are not by law under the control and direction of any of the departments or heads of departments herein specifically named), in the month of July of each year to prepare and file with the Tax Assessor of the taxation division in which such property is situate, a return or inventory, sworn to before a person authorized by law to administer oaths, containing a full, true and corrected list by detailed items of all property, of whatsoever nature, (as of July 1 of the year for which such return is made) belonging to the Territory of Hawaii

and in the possession, custody, control or use of the officer so making such return or of the department of the Government over which he presides or of any officer, agent or employee serving in such department or under such returning officer, and containing further opposite each item a statement of the full cash value of the property therein named according to the best knowledge, information and belief of the officer making such return.

SECTION 2. It shall be the duty of the Chairman of the Board of Supervisors in each County of the Territory and the Mayor of the City and County of Honolulu in the month of July of each year to prepare and file with the Tax Assessor of the taxation division in which such property is situate a return or inventory, sworn to before a person authorized by law to administer oaths, containing a full, true and correct list by detailed items of all property of whatsoever nature, as of July 1 of the year for which such return is made, belonging to such County or City and County and of all property, as of July 1 of the year for which such return is made, belonging to the Territory of Hawaii and in the use, custody or possession for the time being of, such County or City and County or any of the officers thereof, and containing further opposite each item a statement of the full cash value of the property therein named according to the best knowledge, information and belief of the officer making such return.

SECTION 3. It shall be the duty of each Tax Assessor to examine each return or inventory so filed as aforesaid, to add thereto all, if any, items of property (with a statement of their full cash value) omitted therefrom and which under the provisions of the preceding sections or either of them should have been included therein, to make such corrections and alterations in the valuations as returned as aforesaid as in his judgment may be required by truth and accuracy, to enter in one or more books to be kept for the purpose and to be available at all times for inspection by any taxpayer, all of the property and valuations named in such inventories, as so added to, revised and corrected as aforesaid and classified for convenience and facility of reference.

SECTION 4. It shall be the duty of the Tax Assessor of each taxation division to transmit to the Auditor of the Territory, not

later than September 30 of each year, a copy of such inventories as are required by Section 1 of this Act.

SECTION 5. Any officer, member of a Board of public character, assessor or other person who shall fail to perform any of the duties imposed upon him by this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding Five Hundred Dollars or by imprisonment for not exceeding six months. Jurisdiction is hereby conferred upon each of the District Magistrates to hear and determine all cases of alleged violations of any of the provisions of this Act committed within the Judicial Circuits within which the District for which such Magistrate was appointed is situate.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 14th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 78.**

### AN ACT

TO PROVIDE FOR REFUNDING BONDED INDEBTEDNESS OF THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For the purpose of refunding the present and future bonded indebtedness of the Territory or any part or parts thereof, the Treasurer is hereby authorized and empowered, with the approval of the Governor, to issue from time to time negotiable refunding bonds of the Territory of Hawaii, in an amount or amounts not exceeding at par value the bonded indebtedness to be thereby refunded, the principal and interest of such refunding bonds to be paid in gold coin of the United States of America or its equivalent, at its legal standard of weight and fineness at the time of issuance of said refunding bonds. The bonds which may

be refunded under the provisions of this Act shall include among others any bonds which are at the time matured or about to mature or which are payable or redeemable at the option of the Territory or which the Territory otherwise then has the right to call, pay, or redeem, or any bonds of the Territory which the holders may consent may be paid or refunded, even though such bonds be not matured or callable or redeemable.

SECTION 2. All refunding bonds issued under the authority of this Act shall be approved by the President of the United States.

SECTION 3. All such bonds shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall be a charge upon the consolidated revenues of the Territory. Said bonds shall be the general and absolute obligation of the Territory of Hawaii and the public faith and credit of said Territory shall be and are hereby pledged for the punctual payment of the principal and interest thereof as the same shall become due, and sufficient revenues shall be raised or provided from time to time for that purpose.

SECTION 4. The Treasurer of the Territory may, with the approval of the Governor, determine the forms and denominations of all refunding bonds issued under the authority of this Act, the date or dates of maturity, the date or dates and method of redemption, if made redeemable, the rate or rates of interest, the interest paying dates, and the place or places at which the principal and interest of such bonds or any of them shall be payable. The Treasurer, with the approval of the Governor, may make such arrangements as may be necessary or proper for the sale of the whole or any part or parts of any refunding bond issue authorized under the provisions of this Act, and may do all such other acts as may be necessary or proper with respect to the issue of such bonds. The arrangements shall provide for the sale of the refunding bonds either by public advertisement for tenders, or by private sale.

SECTION 5. All refunding bonds issued under the provisions of this Act shall be lithographed or engraved and shall be signed by the Treasurer of the Territory and by the Registrar of Public Accounts, and be sealed with the seal of the Treasury Department of the Territory. If interest coupons are attached to such bonds,

they shall bear a lithographed or engraved fac-simile of the signature of the Treasurer of the Territory. In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

SECTION 6. In the discretion of the Governor and Treasurer said refunding bonds may be exchanged at not less than their par value for an equal amount of the bonds to be refunded under the provisions of this Act at not more than their par value, or said refunding bonds may be sold as provided by this Act and the proceeds therefrom applied solely to the payment of the bonds to be refunded under the provisions of this Act. All bonds so refunded and redeemed by the issue and sale or issue and exchange of refunding bonds as herein provided for shall be cancelled.

SECTION 7. When the refunding bonds of the issues herein authorized and the several interest amounts mature, it shall be the duty of the Treasurer to pay the same out of any funds in his hands applicable thereto. But if such bonds or interest are made payable elsewhere than at the office of the Treasurer he shall provide sufficient funds at the designated place or places of payment to meet and pay all such obligations at maturity in accordance with the terms thereof.

SECTION 8. The Governor and Treasurer of the Territory may from time to time by letter or other instrument in writing signed by them appoint a transfer agent of any refunding bonds issued under this Act, which transfer agent may be a reputable trust company or bank located in the Territory of Hawaii or in the City and State of New York, United States of America, or elsewhere, in their discretion, and may from time to time remove such transfer agent and appoint a new transfer agent, and the compensation of such transfer agent shall be determined by the Treasurer with the approval of the Governor and paid out of any funds in the hands of the Treasurer applicable thereto.

SECTION 9. This Act shall, without reference to any other Act of the Legislature of the Territory of Hawaii, be full authority to

issue, exchange or sell refunding bonds of the Territory, and such bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity or defect in the proceedings for the issue, sale or exchange thereof, and shall be incontestable in the hands of bona fide purchasers for value. No proceedings in respect of the issuance of any such refunding bonds shall be necessary except such proceedings as are required by this Act.

SECTION 10. This Act shall take effect upon the date of its approval, and Act 41 of the Laws of 1907 and all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved this 14th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 79,**

### AN ACT

TO AMEND SECTION 23 OF AN ACT ENTITLED "AN ACT INCORPORATING THE CITY AND COUNTY OF HONOLULU" BEING ACT 118 OF THE SESSION LAWS OF 1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 23 of Act 118 of the Session Laws of 1907 is hereby amended by adding thereto the following new subsections:

"3A. To prescribe and regulate the method and style of construction of carpenter, machine, blacksmith and other work shops, foundries, bakeries and other factories, laundries, poi-shops, abat-toirs, fish-markets and places where noisome trades or manufactures are carried on, hotels, tenements, lodging-houses, theatres, halls and places of public resort.

"3B. To prescribe and regulate the places where and the conditions under which carpenter, machine, blacksmith and other work shops, foundries, bakeries and other factories, laundries,



poi-shops, abattoirs, fish-markets and places where noisome trades or manufactures are carried on, hotels, tenements, lodging-houses, theatres and halls and places of public resort may be erected, maintained, used or operated.”

SECTION 2. That subsection 4 of Section 23 be amended so as to read as follows:

“To enact and to enforce all ordinances necessary to protect health, life and property, to prevent and summarily remove nuisances and to preserve and enforce the good government, order and security of the City and County and its inhabitants.”

SECTION 3. That a new subsection shall be added to said section as follows:

“24. No ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute or statutes of the Territory whether such ordinance is in conflict with any such statute or statutes or otherwise.”

SECTION 4. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 80.**

### AN ACT

TO AMEND ACT 99 OF THE SESSION LAWS OF 1905, ENTITLED  
“AN ACT PROVIDING FOR THE CONSTRUCTION OF ROADS  
THROUGH AND FROM PUBLIC LANDS OPENED FOR SETTLE-  
MENT.”

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 99 of the Session Laws of 1905 is hereby amended so as to read as follows:

“Section 1. Whenever any public lands are opened for settlement, the Commissioner of Public Lands shall, with the approval

of the Governor, set apart all or any portion of the proceeds of the sales of such lands to be used in providing for and constructing a road or roads through and from any lands opened for settlement to the public roads of the Territory as said Commissioner may deem necessary. The Treasurer of the Territory shall keep all sums received from the sales of such lands and so set apart in a separate deposit. The sum on special deposit shall be disbursed on warrants drawn by the Auditor, and issued only on approved vouchers of the Superintendent of Public Works, who shall have full charge and control of the construction of such road or roads, and the method, time and amount of construction; provided, however, that he shall contract for such construction, giving the preference in letting such contracts to settlers on such lands, and in no case shall contract for an amount in excess of the sum of money then held in said special deposit. Any balances remaining in such special deposits in excess of sums required for road construction undertaken or completed shall, with the approval of the Governor, be used and disposed of by said Treasurer in the same manner as proceeds from such sales not placed on special deposit."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 14th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 81.**

AN ACT

PROVIDING FOR THE CARE AND MEDICAL TREATMENT OF PERSONS  
AFFLICTED WITH LEPROSY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Hospital. There shall be established at and on such place on the Island of Oahu, Territory of Hawaii, as the Governor shall direct, a hospital for the care of persons afflicted

with leprosy, there to receive such treatment as shall be provided or approved by the board of health.

SECTION 2. Treatment at Hospital. At such hospital every reasonable effort shall be made to effect a cure of the patients, and such patients shall be cared for as well as circumstances will permit and given such liberties as may be deemed compatible with public safety. They shall be treated by such licensed physician or physicians as the board shall designate, but if any patient so prefers, he may be treated at his own expense by a licensed physician of his own selection under such conditions as the Board may prescribe. Any person may, at any time, secure free of charge at such hospital an examination for the purpose of determining whether or not he is a leper, and in case he is found not to be a leper the Board shall upon request furnish him with a certificate setting forth such fact, the date of examination and the name or names of the physician or physicians making such examination.

SECTION 3. Notification. Every person who knows, or has reason to believe, that he, or any other person, not already under the care or control of the board of health, is a leper, shall forthwith report to the board or its authorized agent, that fact and such other information relating thereto as he may have and the board may require.

SECTION 4. Examination. Any person so reported, or otherwise believed to be a leper, may be examined at any time and place and by any physician or physicians that may be agreed upon by him and the board or its agent.

The board or its agent may, however, instead request such person to appear at a designated time and place not less than five days thereafter and then and there to submit to an examination by a designated physician for the purpose of ascertaining whether such person is a leper.

If, however, such person prefers such examination to be made by more than one physician, he may so notify the board or its agent at any time before the time so designated and may at the same time, or within such further time as the board or its agent may allow, designate to the board or its agent one licensed physician, in which case the board or its agent shall within five days

thereafter designate to such physician a second licensed physician and at the same time so notify such person and such second physician, and the two physicians so designated shall within five days thereafter designate to the board or its agent a third licensed physician, and if they fail to do so, such third physician shall be designated by the circuit judge of the circuit in which the examination is to be held and in the case of the first circuit by the first circuit judge; and in case such person shall fail to designate a physician within the time allowed, all three physicians shall be designated by such judge; notice of any such designation or designations by a judge shall be given forthwith to such person and to the board or its agent; when the three physicians have been so designated, such examination shall be made by them or a majority of them at a convenient time and place designated by the board or its agent, reasonable notice of which shall have been given by the board or its agent to such person and such physicians. The physician or physicians who make the examination shall report to the board or its agent whether in his or their opinion such person is a leper.

If such person is under the age of sixteen years, his parent or guardian, if any, may exercise such preference and thereafter represent such person as far as may be for the purposes of this section.

If upon such examination such person is found not to be a leper, the board shall furnish him upon request a certificate setting forth such fact, the date of examination, and the name or names of the physician or physicians making the examination.

**SECTION 5. Transfer to hospital.** If upon such examination such person is found by such physician or physicians or a majority of them to be a leper, he may be transferred by the board or its agent to such hospital. If he shall refuse or fail to appear and submit to any such examination at the time and place designated or agreed, he may be arrested and taken to such hospital upon a warrant issued by any circuit judge or district magistrate upon a sworn complaint setting forth the necessary facts and shall there be examined as near as may be as provided in section 4 of this Act. All lepers at such hospital shall remain in the custody of the board and its agent until lawfully discharged or removed by its direction or permission.

SECTION 6. Removal to Settlement. Any leper may be removed from such hospital or any other place to the leper settlement at any time with his consent; but no leper shall be so removed until he has been at such hospital for at least six months unless, in the opinion of at least three licensed physicians he cannot be materially benefited by further treatment there, provided that any leper whose custody it has been necessary to obtain by arrest or who is unwilling to receive such treatment or to submit to such rules and regulations as the board may approve or prescribe may be so removed at any time. When so removed he shall remain in the custody or control of the board until lawfully discharged.

SECTION 7. Discharge. Any person detained as a leper, whether at the hospital or at the settlement, shall be released whenever the board shall be satisfied in any way that he is not a leper. Upon the request of any such person at any time not less than one year after any previous examination, he shall be examined by three licensed physicians to be chosen in the manner provided in Section 4 of this Act. A decision by a majority of the examining physicians that he is not a leper shall entitle him to a discharge.

SECTION 8. Expenses; rules. The board shall bear all expenses of travel and other necessary expenses incurred under this Act; and may prescribe all rules, regulations and forms and perform all acts necessary and proper for carrying out its provisions.

SECTION 9. Penalty. Any physician or police or other officer who shall violate the provisions of the third section of this Act shall be liable to a penalty of not more than One Hundred Dollars and in addition thereto to forfeiture of his license to practice, or to removal from office as the case may be.

SECTION 10. Repeal. Section 1122 and 1122A of the Revised Laws and Act 122 of the Laws of 1907 are hereby repealed.

SECTION 11. The sum of forty thousand dollars is hereby appropriated, out of moneys in the treasury received from the general revenues, for a hospital to be erected under this Act.

SECTION 12. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 82.**

## AN ACT

TO AUTHORIZE PUBLIC ACCOUNTANTS TO DEPOSIT TERRITORIAL  
MONEYS IN BANKS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Every public accountant other than the treasurer, receiving or disbursing money belonging to the territory may deposit to his official credit and keep all moneys received by him in such banks as may be designated therefor by the treasurer with the approval of the Governor until such moneys are remitted to the treasurer as required by law, and such public accountant shall not be responsible for such moneys while so deposited.

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 83.**

## AN ACT

TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF THE  
LIBRARY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby established a free circulating public library to be known as the Library of Hawaii, which shall be governed by a board to be known as the Trustees of the Library of Hawaii, the members of which shall be residents of Hawaii and shall be appointed by the Governor as provided in Section 80 of the Organic Act of the Territory. Such board shall consist of three members, provided that if the Honolulu Library and Reading Rooms Association shall enter into an agreement whereby the

Library of Hawaii shall obtain the use of the books, property and income of The Honolulu Library and Reading Rooms Association, said Association shall have the right to nominate three additional trustees of the Library of Hawaii, who may be appointed in like manner, and provided further that if the Hawaiian Historical Society shall enter into a similar agreement, it may nominate one additional trustee who shall be appointed in like manner. Such trustees shall be appointed for terms of six years, and until their successors are appointed, provided that for the first terms, as near as may be, one third of them shall be appointed for two years, one third for four years and the remainder for six years, and any vacancy shall be filled by appointment for the unexpired term. They shall serve without pay. A majority of the board shall constitute a quorum for the transaction of business.

SECTION 2. It shall be the duty of the Board to care for, manage and control all property set apart, donated, loaned to, or in any manner acquired for the use of the Library; to receive, care for, expend and account for any sum or sums of money which may be received for the purpose of erecting a building for the Library or for any other purposes of the Library; to collect, purchase, receive gifts of and otherwise acquire all books and other publications proper for the Library, and to arrange, classify and catalogue the same; to provide for their safe keeping; to expend moneys appropriated by the Legislature and otherwise acquired for the development, use, support and maintenance of the Library; to provide ways and means for placing the Library within reach of all residents throughout the Territory and particularly of all public and private school children; to provide and maintain branch libraries, offices, or places for the distribution of books and periodicals throughout the Territory; to make such contracts as may be necessary to carry into effect the general duties herein imposed; to appoint a president, secretary and treasurer from among its members, and such other officers and employees as it shall deem necessary; and to make rules and regulations for its own guidance, for the management and use of the Library, and for the control of the property under its management.

SECTION 3. The Board shall have the power to make such arrangements or contracts as shall be approved by the Governor,

with any county, city, association, society, person or persons, for the purpose of benefiting the Library and increasing its facilities and use; and the Board shall have the power to enter into such arrangement or contract as shall be approved by the Governor, with the Honolulu Library and Reading Rooms Association and the Hawaiian Historical Society, respectively, for the purpose of obtaining for the Library of Hawaii the use of the books and property and income of said Association and said Society respectively; and to co-operate by exchange and otherwise with libraries now existing or hereafter to be formed. Nothing in this section contained shall be construed to limit the powers and duties of the Board hereinbefore expressed, or to empower the Board to obligate the Territory financially in any sum which shall not have been appropriated by the Legislature for the use of the Library.

SECTION 4. The Legislature shall from time to time make appropriations for the maintenance and support of said Library at the rate of ten thousand dollars a year to begin whenever a donation or donations shall be made for the erection of a suitable library building.

SECTION 5. Annually during the month of January but as of the thirty-first day of December preceding, the Board shall report to the Governor the moneys received from all sources and expended for all purposes during the preceding year, and any other matters pertaining to the library which they may deem important or the Governor may require.

SECTION 6. Act 81 of the Session Laws of 1907 is hereby repealed.

SECTION 7. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.



**ACT 84.**

## AN ACT

TO DIVIDE THE TERRITORY INTO DISTRICTS FOR ELECTION, TAXATION, EDUCATIONAL, JUDICIAL, CITY, COUNTY AND ALL OTHER PURPOSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For election, taxation, educational, judicial, city, county and all other purposes, the Territory shall be divided into the following districts:

## 1.

The Island and County of Hawaii shall be divided into nine districts as follows:

1. Puna, to be styled the Puna District;
2. From the Hakalau Stream to the boundary of South Hilo and Puna, to be styled the South Hilo District;
3. From the boundary of Hamakua and North Hilo to the Hakalau stream, to be styled the North Hilo District;
4. Hamakua, to be styled the Hamakua District;
5. North Kohala, to be styled the North Kohala District;
6. South Kohala, to be styled the South Kohala District;
7. North Kona, to be styled the North Kona District;
8. South Kona, to be styled the South Kona District;
9. Kau, to be styled the Kau District.

## 2.

The Islands of Maui, Molokai, Lanai and Kahoolawe and Counties of Maui and Kalawao shall be divided into six districts as follows:

1. Kahikinui, Kaupo, Kipahulu, Hana and Koolau, to be styled the Hana District;
2. Hamakualoa, Hamakuapoko, Kula and Honuaula, the western boundary being a line starting from the sea at Kapukaulua and running along the bottom of the gulch to the peak of "Puu o Kaia"; thence to the peak of Kailua Hill; thence to "Puu o

Koha" triangulation station; thence to "Puu o Kali" triangulation station; thence down along the boundary of Waiohuli and Keokea to the sea, and the Island of Kahoolawe, to be styled the Makawao District;

3. All that portion of central Maui lying east of a line along the boundary of Honokohu and Kahaku'oa to the peak of Eke Hill; thence along the ridge of mountains and down the bottom of Manawainui gulch to the sea, and west of the boundary of Makawao District, to be styled the Wailuku District;

4. All that portion of Maui west of Wailuku District and including the Island of Lanai, to be styled the Lahaina District;

5. The Island of Molokai, except that portion of said Island known as Kalaupapa, Kalawao and Waikolu and commonly known or designated as the Leper Settlement, to be styled the Molokai District;

6. All that portion of the Island of Molokai known as Kalaupapa, Kalawao and Waikolu forming the County of Kalawao, to be styled the Kalawao District.

## 3.

The Island of Oahu and Islands not included in any other district and the City and County of Honolulu shall be divided into six districts as follows:

1. From Maunalua to Moanalua inclusive, and the islands not included in any other district, to be styled the Honolulu District;

2. Ewa, to be styled the Ewa District;

3. Waianae, excluding Waianae-Uka, to be styled the Waianae District;

4. From Kaena Point to and including the Ahupuaa of Waimea and Waianae-Uka, to be styled the Waiialua District;

5. From Waimea to Kaoio Point, to be styled the Koolauloa District;

6. Koolaupoko, to be styled the Koolaupoko District.

## 4.

The Islands of Kauai and Niihau, and County of Kauai, shall be divided into five districts as follows:

### III

1. From Puanaaiea Point to the Ili of Eleele, including the Island of Niihau, to be styled the Waimea District;

2. From and including the Ili of Eleele to and including Ma-haulepu, to be styled the Koloa District;

3. From and including Kipu to and including Wailua, to be styled the Lihue District;

4. From Wailua to Kealaakaiole, to be styled the Kawaihau District;

5. From and including Kealaakaiole to Puanaaiea Point, to be styled the Hanalei District.

SECTION 2. Each of the said districts shall include the waters and smaller islands adjacent thereto.

SECTION 3. Chapter 14 of the Revised Laws, Chapter 3 of Act 39 of the Laws of 1905, Chapter 2 of Act 118 of the Laws of 1907 and all other laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 4. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## *ACT 85.*

### AN ACT

TO AMEND ACT 62 OF THE SESSION LAWS OF 1909, RELATING TO THE EXPENDITURE OF PUBLIC MONEY, REPEALING SECTION 8 AND AMENDING SECTION 9.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 9 of Act 62 of the Session Laws of 1909 is hereby amended to read as follows:

“Section 9. This Act shall be in effect on and after July 1, 1909.”

SECTION 2. All purchases made after the third day of April,

1909, and prior to the approval of this Act are hereby legalized and the Auditor is hereby ordered to approve of the same.

SECTION 3. Section 8 of Act 62 of the Session Laws of 1909 is hereby repealed.

SECTION 4. This Act shall take effect on the date of its approval.

Approved this 15th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 86.

### AN ACT

TO FURTHER SAFEGUARD THE TAKING OF PROPERTY BY RAILROAD COMPANIES UNDER POWER OF EMINENT DOMAIN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The procedure for the taking of property by any Railroad Company, under the powers enumerated in Section 785 of the Revised Laws of Hawaii shall be as follows, viz:

1. The Railroad Company intending to take property for railroad purposes shall serve upon the owners thereof, and others holding any interest therein, if any, not less than thirty days' notice of such intention.

Such notice shall describe each parcel of the property to be taken, to a reasonable certainty; shall contain an estimate of the value of each parcel of said property and an offer to purchase the same for the values named.

2. If the owner of the property or any part thereof or other person holding any interest therein shall not accept the offer of said railroad company, within thirty days after the giving of said notice, the said railroad company may at any time thereafter, give the owner or other person holding an interest therein, not less than thirty days' notice of its intention to apply to a justice of the Supreme Court for the appointment of appraisers to fix the amount

of compensation to be paid to the owner or others having an interest therein, for the property to be taken. Such notice shall contain a description of each parcel of the property to be taken, as hereinbefore set forth and also a statement of the time and place at which such application will be made.

3. At the time and place fixed in said last named notice, the railroad company may apply to any justice of the Supreme Court of the Territory of Hawaii to nominate three persons to determine the amount of compensation to be paid to the owners or others interested therein, for the property to be taken, and each parcel thereof.

Upon such application, the justice shall appoint three disinterested persons for the purpose in said application set forth.

4. Upon the appointment of appraisers as aforesaid, they shall appoint a time and place for hearing the question submitted to them as aforesaid, and shall give at least ten days' notice of such hearing to all parties interested. Upon such hearing, all parties interested, shall be given full opportunity to present evidence and otherwise to be fully heard. Failure on the part of said appraisers to hear and determine the question within six (6) months after their appointment shall invalidate their appointment and all proceedings had thereunder.

Upon the completion of said hearing, the appraisers, or a majority of them, shall determine the amount of compensation to be paid by the railroad company for each parcel of the property and each interest therein, and shall file a copy of their decision in the said Supreme Court.

5. Upon the filing of the decision of said appraisers, it shall thereupon become a rule of the Supreme Court and may be enforced accordingly.

6. Every decision of the appraisers made a rule of court as aforesaid, may, within ten days thereafter, be appealed from by any party interested therein to the Circuit Court of the Circuit within which the property to be taken is located. In case of such appeal, any party shall be entitled to demand a jury trial.

7. If the owner or owners of any of the property to be taken or any interest therein, shall not appeal from the decision of the appraisers appointed as aforesaid, the railroad company may pay into the Supreme Court, for distribution by it among the persons

entitled thereto, the amount of the compensation awarded by the appraisers.

If any party interested shall appeal from the said decision of said appraisers, as aforesaid, the railroad company may pay into the Supreme Court, twice the amount of compensation awarded by the appraisers to said party, there to await the final decision of said appeal, and the distribution as aforesaid of the amount finally decided to be the amount of the compensation to be paid for the property taken.

Upon the payment into court of the amount of said award, in the event of no appeal being taken, or of twice the amount of said award, in the event of an appeal being taken, the said railroad company shall have the right to immediately enter into and possess and use the property covered by said award, notwithstanding the pendency of any appeal taken.

8. Any notice herein provided to be given shall be given in the following manner, viz: If the residence of a person or persons is known to the person or persons whose duty hereunder it is to give such notice, the latter shall deliver said notice in writing to the person or persons entitled to receive the same; or shall deposit the same in a registered letter in a post office in said Territory, postage prepaid and duly addressed to the last post office address of the person entitled to receive the same, known to the person posting the same.

If the owner or owners of property or any interest therein to be taken are unknown or if the residence of a person to whom such notice is to be given is not known to the person or persons whose duty hereunder it is to give such notice, then such notice shall be given by publication in English and Hawaiian for not less than four times in some newspaper published in the county or city and county in which the property to be taken is located.

Proof of the giving of any notice herein required may be made by affidavit of any person having knowledge of the facts, and the time of giving notice shall be computed, in case of deposit in the post office, from the date of said deposit, and, in the case of advertising, from the date of the last publication of said advertisement.

**SECTION 2.** No railroad company shall have the right to take or use any property under the powers conferred upon it by Section 785 of the Revised Laws of Hawaii, until it shall have paid

the owner therefor, or made a deposit in court for that purpose, upon the terms and conditions in this Act provided.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 16th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 87,**

AN ACT

TO PROVIDE FOR THE CONSERVATION AND DEVELOPMENT OF THE NATURAL RESOURCES OF THE TERRITORY, BEING SUPPLEMENTARY TO ACT 33 OF THE LAWS OF 1909.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All expenditures by the Territory on account of the Board of Agriculture and Forestry, Aid to Hawaii Experiment Station and Hydrographic Survey, shall be made out of the one-fourth of the special fund provided by Act 33 of the Session Laws of 1909; provided, however, that until a sufficient amount of said one-fourth is available, such sums as may be necessary may, with the approval of the Governor, be expended from the general revenues for the said purposes at not exceeding the following rates per month:

BOARD OF AGRICULTURE AND FORESTRY.

General:

Clerks and Stenographers (2 at \$100 each).....	\$ 200.00
Employees and Laborers.....	90.00
Expenses, all divisions.....	1,250.00

Division of Forestry:

Superintendent . . . . .	250.00
Assistants, Laborers, etc.....	385.00

## Division of Entomology:

Superintendent . . . . .	250.00
Assistants, Inspectors, Employees, etc. . . . .	470.00

## Division of Animal Industry:

Superintendent . . . . .	250.00
Assistants, Employees, etc. . . . .	280.00
Aid to Hawaii Experiment Station. . . . .	416.70
Hydrographic Survey . . . . .	416.70

All sums so expended out of the general revenues shall be restored thereto out of the one-fourth of said special fund, as soon as may be.

SECTION 2. This Act shall take effect on the first day of July, 1909.

Approved this 17th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 88.**

AN ACT

TO PROHIBIT THE TAKING OF FISH WITH NETS IN THE WATERS  
OF THE BAY OF HILO.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For the period of two years from and after July 1, 1909, the taking, catching or killing of fish by means of any draw, drag, or seine net in the waters of the Bay of Hilo is hereby prohibited.

Any person who shall violate the provisions of this section shall, upon conviction, be punished by a fine of not more than One Hundred Dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.



SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 89.**

AN ACT

TO AMEND SECTION 14 OF ACT 119 OF THE SESSION LAWS OF 1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 14 of Act 119 of the Session Laws of 1907 is hereby amended so as to read as follows:

“Section 14. There shall also be filed with every application for a license, or the renewal of a license, a good and sufficient bond substantially in the form prescribed by Section 15 of this Act, in a sum equal to twice the amount of the license fee for the license applied for, with at least two good sureties, which bond shall be subject to the approval of the Board; provided, that any citizen of the Territory who is a bona fide owner of unincumbered real estate within the Territory, of a value equal to twice the amount of the bond required, according to the last assessment of taxes on such property, over and above all his debts and liabilities, shall be accepted and approved as a sufficient surety; and provided further, that any corporation organized for the purpose of becoming surety on bonds, authorized under the laws of the United States to act as such surety, and doing business in this territory under the provisions of the laws of the United States and of the Territory of Hawaii, may be accepted by the Board as surety upon bonds required by this Act, in lieu of the two personal sureties whenever said Board is satisfied that the rights of all parties in interest will be fully protected thereby.”

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 90.**

## AN ACT

TO PROVIDE FOR THE PAYMENT OF COMMUTATION DUE THE  
TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commissioner of public lands shall, as soon as may be, prepare a list of all lands on which commutation to extinguish the government's right therein, is payable. Upon completion of such list the commissioner shall publish the same in a newspaper of general circulation throughout the territory, at least once each week for four successive weeks, together with notice that unless the commutation is paid prior to January 1, 1910, the amount of commutation ascertained shall thereafter bear interest at the rate of six per cent (6%) per annum and be subject to collection in the manner provided by law.

SECTION 2. As soon as may be after June 30, 1909, the commissioner of public lands shall cause to be appraised each piece of property upon which commutation shall then be due. The value of such property for the purposes of this Act shall be fixed by the appraisers as nearly as may be at the value of the land without improvements as of the date of the award of such property made by the board of commissioners to quiet land titles.

Upon the value so ascertained the commissioner shall determine the amount of the commutation due according to the terms of the award. The commutation so fixed shall bear interest from and after January 1, 1910, until paid, at the rate of six per centum per annum, and such commutation and interest is hereby made a lien upon such land superior to all other encumbrances.

SECTION 3. After January 1, 1910, the attorney general shall proceed at any time after the determination of the commutation due as hereinbefore provided, to enforce payment of the same by any proper proceedings brought in the name of the Territory of Hawaii. He may foreclose the lien herein provided by suit in equity as hereinafter provided, and jurisdiction to hear and determine all such suits is hereby conferred upon the respective circuit judges in chambers. In any such suit service of process may be

made by publication thereof in a newspaper of general circulation in the Territory once each week for three successive weeks, in form substantially as follows:

“FORECLOSURE OF LIEN FOR COMMUTATION.

IN THE CIRCUIT COURT OF THE TERRITORY OF HAWAII———  
CIRCUIT

AT CHAMBERS.

To (here insert the names of the owners of the property so far as known) and to all whom it may concern:

WHEREAS, a bill has been filed by the Territory of Hawaii to foreclose its lien for commutation to extinguish the government's rights in the following described land:

(Here insert description of land sufficient to identify the same, giving number of land commission award, name of awardee, and date of award.)

YOU ARE HEREBY ORDERED to appear before the Honorable \_\_\_\_\_, Circuit Judge of the \_\_\_\_\_ Circuit, sitting at chambers at the Court House at \_\_\_\_\_ on the Island of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., to show cause, if any you have, why the petition of the Territory of Hawaii to foreclose its lien for the commutation on the above land in the sum of \_\_\_\_\_ Dollars, should not be granted. And unless you appear before said Circuit Judge at the time and place aforesaid, your default will be entered and the said bill for foreclosure will be taken as confessed and you will be forever barred from contesting said bill for foreclosure or any decree or order entered thereafter.

WITNESS the Honorable \_\_\_\_\_, Judge of the Circuit Court \_\_\_\_\_ Circuit, this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19\_\_\_\_\_.

Attest:

\_\_\_\_\_

Clerk.”

The return day of such notice shall be not less than twenty-one nor more than sixty days from the date of issue.

A copy of such published notice shall be mailed by the clerk to every person named therein whose address is known. A duly attested copy of such notice shall be sent to the registrar of conveyances of the Territory of Hawaii, who shall make and keep a record of such notice. The certificate of the clerk of such circuit judge that he has served the notice as directed by the court, by publishing or mailing, shall be filed in the case before the return day and shall be conclusive proof of such service.

SECTION 4. Default. If no person appears and answers within the time allowed, the judge may at once upon motion of the Territory of Hawaii order a general default to be recorded and the bill for foreclosure of the government's lien for commutation to be taken as confessed. By the description in the notice "to all whom it may concern," all the world is made party defendant and shall be concluded by the default and order.

SECTION 5. Hearing, foreclosure. If in any case, an appearance is entered and answer filed, the cause shall be set down for hearing on the motion of either party, but an order of default may first be entered against all persons who do not appear and answer in the manner provided in Section 4. If on the trial of such cause it shall appear that commutation is due the Territory of Hawaii on the land in question, or in case of an order of default having been entered, the judge may make an order that unless the amount of the commutation, together with all costs accrued, shall be paid within thirty days, the property or so much thereof as may be necessary, shall be sold at public auction to the highest bidder to satisfy the government's lien for commutation, together with interest, costs of appraisement, the costs of publication of the notice herein provided for, costs of court and of sale, and that the owner or owners of the property and their predecessors in title shall be forever foreclosed and barred from any right to redeem the said property so sold.

SECTION 6. Proof. The award by the board of commissioners to quiet land titles, together with a certificate by the commissioner of public lands of the date and amount of the appraisement and the amount of the government's commutation determined thereon,

and that the same has not been paid, together with the certificate of the clerk of publication as hereinbefore provided, shall be prima facie proof of the right of the government to the commutation claimed.

SECTION 7. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 91.**

AN ACT

RELATING TO ACCOUNTS OF EXECUTORS AND ADMINISTRATORS,  
ADDING A NEW SECTION TO BE KNOWN AS SECTION 1851A  
TO THE REVISED LAWS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A new section is hereby added to the Revised Laws to be known as Section 1851A, and to read as follows:

“Section 1851A. Accounts of executors or administrators. Every executor or administrator shall file his final accounts within one year after the issuance to him of letters testamentary or of administration, as the case may be, unless, upon written application by him made, further time is allowed by the court or judge having jurisdiction; and every executor and administrator shall file such other accounts at such times as said court or judge may, in its or his discretion, require.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 92.**

## AN ACT

TO AUTHORIZE THE APPROPRIATION OF MONEY FOR THE PURPOSE OF PAYING THE UNPAID CLAIMS AGAINST THE COUNTY OF MAUI, CREATED BY VIRTUE OF ACT 31 OF THE SESSION LAWS OF 1903.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Board of Supervisors of the County of Maui is hereby authorized to appropriate the following sums amounting to One Thousand and Eighty-six and 7/100 (\$1,086.07) Dollars to be paid out of all moneys in the Treasury of said County received from current receipts, for the payment of all claims for services of all officers, elective and appointive, including incidental expenses, incurred by virtue of Act 31 of the Session Laws of 1903:

## SUPERVISORS:

T. B. Lyons.....	\$ 16.12	
C. L. Kookoo.....	16.12	
G. P. Kauimakaole.....	16.12	
J. K. Hihio.....	16.12	
W. H. Cornwell.....	16.12	\$ 80.60

## INCIDENTALS, BOARD OF SUPERVISORS:

P. E. Kanana.....	\$ 2.90	
Bismark Stables, Ltd.....	8.00	
T. B. Lyons (25. 2).....	27.00	
Maui Telephone Co.....	5.00	42.90

## SALARY HEADS OF DEPARTMENTS:

D. H. Kahaulelio.....	\$ 48.38	
L. R. Crook.....	64.51	
Jno. Richardson .....	48.35	
P. Cockett .....	48.38	
J. K. Kahookole.....	33.35	
D. K. Kahaulelio.....	55.55	298.52

## CLERKS, HEADS OF DEPARTMENTS:

J. Garcia .....	\$ 33.35	
Geo. Kauimakaole .....	10.00	
John Kawai .....	10.00	
A. Garcia .....	25.00	
A. G. Dickens.....	33.35	
D. Morton .....	33.35	145.05

## COUNTY OFFICES:

Lee Hop .....	\$ 172.95	
A. B. Naone.....	27.00	
A. N. Kepoikai.....	100.00	299.95

## DISTRICT MAGISTRATES:

Thos. Clark .....	\$ 33.35	
E. H. Kekapai.....	27.75	
G. P. Wailehua.....	20.00	
J. Ahulii, Jr.....	10.00	
E. Wilcox .....	10.00	
J. H. Mahoe.....	13.35	114.45

## ROAD SUPERVISORS:

Sol. Hale .....	\$ 20.00	
Geo. Groves .....	20.00	
Geo. Kauhi .....	16.65	
J. K. Kaupu.....	11.65	68.30

## ROAD TAX, SPECIAL DEPOSIT:

W. Olsen and Frank Rose.....	\$ 19.00	
Hoffman & Weight.....	7.30	
Piipii Kaai .....	10.00	36.30

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\$1,086.07

SECTION 2. The Auditor of the County of Maui is hereby ordered and authorized to issue warrants to the persons whose names are stated in Section 1 of this Act upon the approval of the Board of Supervisors.

SECTION 3. The Auditor of the County of Maui shall not issue warrants in payment of any of the above amounts, unless receipts in full are filed therefor by the persons named in Section 1 of this Act.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 93.**

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF PAYING THE UNPAID CLAIMS AGAINST THE COUNTY GOVERNMENTS OF EAST AND WEST HAWAII CREATED BY VIRTUE OF ACT 31 OF THE SESSION LAWS OF 1903.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Board of Supervisors of the County of Hawaii is hereby authorized to appropriate the following sums amounting to Nine Hundred and Thirteen  $\frac{69}{100}$  (\$913.69) Dollars to be paid out of all moneys in the Treasury of the said County, received from current receipts, for the payment of all claims for services of all officers, elective and appointive, including incidental expenses, incurred by virtue of Act 31 of the Session Laws of 1903.

EAST HAWAII COUNTY.

SUPERVISORS:

S. L. Desha, Sr.....	\$ 16.12	
T. K. Lalakea.....	16.12	
R. H. Makekau .....	16.12	
E. H. Lyman.....	16.12	
Moses Palau .....	16.12	\$ 80.60

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## HEADS OF DEPARTMENTS:

N. K. Lyman.....	\$ 48.64	
N. C. Wilfong.....	64.51	
W. E. Edmonds.....	53.73	
J. U. Smith.....	48.64	
R. A. Lyman, Sr.....	48.64	
Thos. E. Cook.....	10.78	274.94
		<hr/>

## CLERKS AND MARKET KEEPERS:

A. A. Hapai.....	\$ 19.35	
Jos. Oliver .....	11.29	30.64
		<hr/>

## ROAD SUPERVISORS:

Jos. Vierra .....	\$ 32.25	
W. G. Walker.....	16.12	
W. G. Saffrey.....	32.25	
Wm. Nailima, Jr.....	18.00	98.62
		<hr/>

## WEST HAWAII COUNTY.

## SUPERVISORS:

J. A. Maguire.....	\$ 16.12	
Frank J. Woods.....	16.12	
Geo. C. Hewitt.....	16.12	
R. Hind .....	16.12	
J. W. Keliikoa.....	16.12	80.60
		<hr/>

## HEADS OF DEPARTMENTS:

S. K. Pua.....	\$ 32.25	
J. K. Nahale.....	40.32	
W. P. McDougal.....	40.32	
Guy F. Maydwell.....	32.25	
J. Kaelemakule, Sr.....	32.25	177.39
		<hr/>

## CLERKS:

James Cowan .....	\$ 24.19	
Joshua D. Koki.....	16.12	
H. P. K. Malulani.....	11.29	
Thos. Aiu .....	19.35	
Jas. Ako .....	20.96	
H. L. Kawewehi.....	16.12	108.03
		<hr/>

## ROAD SUPERVISORS:

A. K. Eldredge.....	\$ 16.12	
Jno. Lanakila .....	9.67	
Makuakane . . . . .	11.29	
Geo. W. McDougal.....	9.67	
S. K. Kauhane.....	16.12	62.87
		<hr/>
		\$913.69

SECTION 2. The Auditor of the County of Hawaii is hereby ordered and authorized to issue warrants to the persons whose names are stated in Section 1 of this Act upon the approval of the Board of Supervisors.

SECTION 3. The Auditor of the County of Hawaii shall not issue warrants in payment of any of the above amounts, unless receipts in full are filed therefor by the persons named in Section 1 of this Act.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 94.**

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF PAYING THE UNPAID CLAIMS AGAINST THE TERRITORY OF HAWAII FOR SERVICES AND MATERIALS SUPPLIED DURING THE PERIOD FROM THE 4TH TO THE 14TH DAY OF JANUARY, 1904.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums amounting to Two Thousand and Eight Dollars and Seventy-five Cents (\$2,008.75) are hereby appropriated to be paid out of all moneys in the Treasury of the Territory of Hawaii, received from all current receipts of the

general revenues for the payments of salaries of Sheriffs, Deputy Sheriffs, Police Officers and Prison Guards, including all claims for materials supplied for the period from the 4th to the 14th day of January, 1904—10 days:

POLICE DEPARTMENT, MAUI:

Wm. White .....	\$ 55.55	
W. R. Boote.....	33.35	
A. K. Forsyth.....	27.75	
C. B. Cockett.....	27.75	
W. L. Mossman.....	20.00	
P. N. Kaluna.....	13.35	
J. N. Uahinui.....	18.35	\$ 196.10

INCIDENTALS, SHERIFF'S OFFICE, DEPARTMENT:

John Dorego .....	\$ 3.00	
A. J. Rodrigues.....	1.60	
Bismark Stables .....	15.00	
Nakamura Stables .....	10.00	29.60

PAY OF POLICE, MAKAWAO, MAUI:

B. Hokoana .....	\$ 13.35	
Lei Kaua .....	11.65	
O. Kupanahi .....	11.65	
Obed. K. Kikala.....	11.65	
N. Kamakau .....	11.65	
M. P. Kalei.....	11.65	
John Fuller .....	11.65	
Ben P. Manoanoa.....	11.65	94.90

PAY OF POLICE, LAHAINA, MAUI:

D. Kuamu .....	\$ 20.00	
Moses Kauhaahaa .....	13.35	
P. Kahakauilo .....	13.35	
Isaac Waihoioahu .....	11.65	
Wm. Kauwenaole .....	13.35	
Noah Kahaaku .....	13.35	
Jno. Adams .....	13.35	
John Keao .....	10.00	

Haili Keahi .....	8.35	
A. K. Shaw .....	6.65	
Manuia Kekai .....	13.35	
Jno. Richardson .....	13.35	150.10

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## PAY OF POLICE, HANA, MAUI:

G. W. K. Kauimakaole .....	\$ 13.35	
S. K. Huewaa .....	11.65	
M. Kahunaolaole .....	10.00	
J. H. Hanuna .....	10.00	
Jos. Halemano .....	10.00	
S. K. Kaailua .....	8.35	
Kaiwi .....	8.35	
J. W. Naehu .....	8.35	
J. M. Koko .....	13.35	
B. Malulu .....	10.00	103.40

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## PAY OF POLICE, MOLOKAI:

A. Poaha .....	\$ 11.65	
J. Kamai .....	10.00	
A. Pauole .....	10.00	
J. K. Kaulili .....	10.00	
Nakeleawe .....	10.00	
Pali Pahupu .....	10.00	61.65

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## PAY OF POLICE, WAILUKU, MAUI:

Guy Goodness .....	\$ 25.00
M. Faustino .....	16.65
Wm. Mahu .....	16.65
S. Kahale .....	13.35
Kainea Kanikanihia .....	13.35
J. B. Abbey .....	13.35
Manuel Cadoz .....	13.35
Sam Kaleo .....	13.35
Beningo Reyes .....	13.35
Wm. Kaiiae .....	13.35
Kalani Kalua .....	13.35
Moses Makaiwi .....	10.00
S. K. Kanakaokai .....	8.35
D. K. Kaialilii .....	11.65

W. J. Kamiki.....	15.00	
Kaili Halama .....	15.00	
M. Kahalekulu .....	13.35	
Dan Quill .....	4.50	
Harry Copp .....	5.00	
D. Uwekoolani .....	8.35	
Jos. F. Welch.....	20.00	
Sam Puaaloa .....	16.65	
M. K. Papu.....	15.00	
Honuakaha .....	15.00	
Manuel Dutro .....	20.00	
Wm. Kukona .....	16.65	359.60

## SUPPORT OF PRISONERS:

## Lahaina—

Ah Nee .....	\$ 3.00	
Plantation Market .....	.51	
Goo Lip .....	1.90	
G. G. Seong & Co.....	4.80	10.21

## Wailuku—

Lee Hop .....	\$ 2.25	
A. J. Rodrigues.....	20.25	
Manuel Dutro .....	9.50	
Waiohuli Market .....	20.22	
Hoffman & Weight.....	16.75	
J. P. Silva.....	18.00	86.97

## PAY OF POLICE, KALAUPAPA:

John S. Wilmington.....	\$ 10.16	
J. K. Kaimuwai.....	7.24	
L. Nailima .....	7.24	
J. K. Alapai.....	7.24	
Kiliona .....	8.35	
Kea Kaehanui .....	11.60	51.83

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\$1,144.36

## POLICE DEPARTMENT, HAWAII:

## South Hilo District—

Wm. M. Keolanui.....	\$ 53.75	
Dan Kaihenui .....	32.25	
Henry West .....	25.80	
Chas. Warren .....	25.80	
D. H. Kenoi.....	25.80	
J. Kaiama .....	25.80	
J. Pestana .....	25.80	
J. K. Kaina.....	25.80	
Simeona Kahana .....	19.35	
C. W. Kahawai.....	14.51	
Kaiama Lili'i .....	14.51	
Dan Kamahoe .....	14.51	
P. Pakele .....	14.51	
Luukapu Ulii .....	14.51	
O. Yotaro .....	14.51	
N. Ako .....	14.51	
Keahi Lihau .....	12.90	
J. Kanaeholo .....	12.90	
J. Kekoakulana .....	12.90	
D. Ewaliko .....	17.41	
W. C. E. Brown.....	8.71	
Kalai Maka .....	9.68	
Kalani Kaiakoili .....	9.68	445.89

## North Hilo District—

W. Nahakuelua .....	\$ 16.12	
W. P. Kahaleohu.....	12.90	
W. Laeha .....	9.67	
Man'l Pacheco .....	9.67	
D. Hookano .....	9.67	58.03

## Hamakua District—

H. B. Kukona.....	\$ 14.51	
E. M. Kealoha.....	11.29	
Kauhi Kauahipaulo .....	11.29	37.09

## Puna District—

James L. Ahia.....	\$ 16.12	
Sam Kaulupali .....	12.90	
K. Lainaholo .....	11.29	40.31
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## SUPPORT OF PRISONERS:

## Jailors, Guards and Lunas—

Thos. B. Ah Leong.....	\$ 12.55	
Wm. Nailima .....	12.55	
Wm. Nailimu .....	9.67	
A. K. Kualii.....	11.29	
Aki Apana .....	11.29	
Dan Uu .....	11.29	
Wm. Harbottle .....	12.90	
Frank Gomes .....	12.90	
T. N. Naleilehua.....	11.29	105.73
		<hr/>

## South Kona District—

G. P. Kamauoha.....	\$ 40.32	
R. N. Kekuewa.....	20.96	
Kaiolani Kaupiko .....	9.67	
Jno. Kane .....	14.51	85.46
		<hr/>

## North Kona District—

Koomoa .....	\$ 20.96	
D. K. Nahale.....	9.67	
D. M. Keliinahe.....	9.67	
Jno. Higgins .....	9.67	49.97
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## Kau District—

Kawelu .....		9.67
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## South Kohala District—

Kawai Opio .....	\$ 16.12	
Jas. Burgess .....	16.12	32.24
		<hr/>

\$ 864.39

SECTION 2. The Auditor of the Territory is hereby ordered and authorized to issue warrants to the persons whose names are stated in Section 1 of this Act. Provided the same have been

certified to by the respective Sheriffs under whom the services were rendered.

SECTION 3. No warrant shall be issued unless receipts in full are filed therefor by the persons named in Section 1 of this Act. Provided, however, that in case any of the said persons be dead, the widow, heir or heirs at law or guardian or person responsible for the care, support and maintenance of such heir or heirs shall sign receipt as herein required.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## *ACT 95.*

### AN ACT

TO PROVIDE FOR THE PAYMENT BY THE TERRITORY OF HAWAII, OF A CERTAIN JUDGMENT FOR THE SUM OF THREE THOUSAND AND TWO DOLLARS (\$3,002.00) TOGETHER WITH INTEREST THEREON, RENDERED BY THE CIRCUIT COURT FOR THE THIRD CIRCUIT OF SAID TERRITORY, IN FAVOR OF DAVID K. BAKER, AGAINST ALATAU T. ATKINSON, ARTHUR M. BROWN, LORRIN A. ANDREWS AND GEORGE P. KAMAUOHA.

WHEREAS, on the 19th day of January, 1905, at a term of the Circuit Court for the Third Circuit of the Territory of Hawaii, duly and regularly held at Kailua, within said Circuit, in an action for trespass, therein pending, wherein David K. Baker was party Plaintiff, and Alatau T. Atkinson, (then Superintendent of Public Instruction for said Territory); Arthur M. Brown, (then High Sheriff of said Territory); Lorrin A. Andrews, (then Sheriff of the Island of Hawaii, within said Territory); and George P. Kamauoha, (then Deputy Sheriff for the District of South Kona in said Island of Hawaii), were parties Defendant, a verdict was rendered in favor of said Plaintiff and against said Defendants,



upon which said verdict judgment was thereafter, in and by said Circuit Court duly and regularly rendered and entered, for the sum of Three Thousand and Two Dollars (\$3,002.00), together with costs taxed at Sixty-three 15/100 Dollars (\$63.15); and

WHEREAS, the subject matter of said action was a series of wrongs and trespasses which had been theretofore to wit: during the year 1903, committed by said Defendants upon and against the rights of said Plaintiff; and

WHEREAS, said wrongs and trespasses were so committed by said Defendants in their several official capacities as such officers of the Government of this Territory, as hereinabove recited and were so committed in pursuance and obedience of the express orders and directions of the governmental authorities of said Territory; and

WHEREAS, it is fitting that said Defendants should not be personally amerced, and obliged to pay said judgment, but that the Territory, in whose behalf and at whose instance and direction said Defendants acted in the premises, should bear the consequences of the said wrongful acts of said Defendants; and

WHEREAS, there is now pending and awaiting trial, in and before the said Circuit Court, another action at law, similar in all respects to the action hereinabove recited, except that Esther K. Baker, wife of said David K. Baker, is party Plaintiff therein, and the above named Defendants are parties Defendant therein; NOW THEREFORE,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That there is hereby appropriated, and the Treasurer of said Territory is hereby authorized and directed to pay to the order of said David K. Baker and Esther K. Baker from and out of any moneys in the Territorial Treasury, which are not otherwise specifically appropriated, the sum of Three Thousand and Sixty-Three 15/100 Dollars (\$3,063.15), together with interest thereon at the rate of 6% per annum from said 19th day of January, 1905, to the date of the passage of this Act, in full satisfaction and release of any and all claims of them, the said David K. Baker and Esther K. Baker and each and either of them, against the Territory of Hawaii and (or) said Alatau T. Atkin-

son, Arthur M. Brown, Lorrin A. Andrews and George P. Kamauoha, arising out of or founded upon the judgment aforesaid, and (or) any claims or right of action in them, or either of them, the said David K. Baker and Esther K. Baker, in or about, or pertaining to, the acts and trespasses, or any of the acts or trespasses alleged in the several declarations or complaints of them; the said David K. Baker and Esther K. Baker, or of either of them, as filed in said Circuit Court, in said actions of law, or either thereof.

SECTION 2. Provided, however, that before making payment as in this Act provided, the Treasurer shall exact and receive from said David K. Baker a written satisfaction of said judgment, and shall cause the same to be filed in said Circuit Court; and shall further exact and receive from them, the said David K. Baker and Esther K. Baker a joint and several written release of said causes of action, and of all and singular their and either of their claim and claims, based thereon or pertaining thereto.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 96.**

### AN ACT

TO AMEND SECTIONS 1402 AND 1403 OF CHAPTER 102 OF THE REVISED LAWS OF HAWAII RELATING TO PUBLIC SHOWS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1402 is hereby amended to read as follows:

"Section 1402. The Treasurer, or the Sheriffs in their respective Counties or City and County may license for any term, not exceeding one year, any theater, circus, public show, lecture, mov-

ing picture show, or any exhibition, not of an immoral character, to which an admission fee is charged, or during which a fee is collected, upon such conditions as he or they may deem reasonable."

SECTION 2. Section 1403 of the Revised Laws is hereby amended so as to read as follows:

"Section 1403. Fee. The fee for each performance under any such license shall be \$1.00 for each performance, but no fee shall be charged if the Treasurer or Sheriff is satisfied that the entire proceeds of the performance or any exhibition are to be devoted to any school, religious or charitable institution, or for the promotion of art, and not for profit."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 97.

### AN ACT

TO AMEND SECTION 2174 OF THE REVISED LAWS OF HAWAII RELATING TO LIENS OF MECHANICS AND MATERIAL MEN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2174 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2174. Filing notice; duration of lien. The lien provided in Section 2173 shall not attach unless a notice thereof shall be filed in writing in the office of the clerk of the circuit court, where the property is situated, and a copy of the notice be served upon the owner of the property. Such notice shall set forth the amount of the claim, the labor or material furnished, a description of the property sufficient to identify the same, and any other matter necessary to a clear understanding of the same. The lien

shall continue for forty-five days, and no longer, after the completion of the construction or repair of the building, structure, railroad or other undertaking against which it shall have been filed, unless the same shall have been satisfied, or proceedings commenced to collect the amount due thereon by enforcing the same."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 98.

### AN ACT

TO AMEND SECTION 62 OF ACT 39 OF THE SESSION LAWS OF 1905  
RELATING TO THE POWERS AND DUTIES OF THE BOARDS OF  
SUPERVISORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subsection 5 of Section 62 of Act 39 of the Session Laws of 1905, as amended by Section 1 of Act 64 of the Session Laws of 1907, is hereby amended to read as follows:

"5. To make and enforce within the limits of the county all necessary ordinances covering all local police matters and all matters of sanitation, inspection of buildings, condemnation of unsafe structures, plumbing, sewers, dairies, milk, fish, cemeteries, burying grounds, interment of the dead and morgues and the collection and disposition of rubbish and garbage; and no ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute or statutes of the Territory, whether such ordinance is in conflict with any such statute or statutes or otherwise; to appoint County physicians and such sanitary and other inspectors as may be necessary to carry into effect ordinances made as aforesaid, who shall have the same power as given by law to agents of the Board of Health, subject only to

such limitations as may be placed on them by the terms and conditions of their appointments; to fix a penalty for the violation of any ordinance, which said penalty may be a fine not to exceed five hundred dollars together with costs of court, and to provide that in the event of default in the payment of such fine or costs, the offender shall be imprisoned until such fine or costs shall have been discharged by operation of the general law applicable to such cases."

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 99.**

### AN ACT

TO AMEND SECTION 23 OF ACT 118 OF THE SESSION LAWS OF 1907, RELATING TO THE POWERS OF THE SUPERVISORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subsection 1 of Section 23 of Act 118 of the Session Laws of 1907 is amended to read as follows:

"1. To make and enforce within the limits of the City and County of Honolulu all necessary ordinances covering all local police matters and all matters of sanitation, inspection of buildings, condemnation of unsafe structures, plumbing, sewers, dairies, milk, fish, cemeteries, burying grounds, interment of the dead and morgues and the collection and disposition of rubbish and garbage; and no ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute or statutes of the Territory, whether such ordinance is in conflict with any such statute or statutes or otherwise; to appoint City and County physicians and such sanitary and other inspectors as may be necessary to carry into effect ordinances made as aforesaid, who shall have the same power as given by law to

agents of the Board of Health, subject only to such limitations as may be placed on them by the terms and conditions of their appointments.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 100.**

AN ACT

TO AMEND SECTION 9 OF ACT 39 OF THE SESSION LAWS OF 1905  
RELATING TO THE GENERAL POWERS, LIABILITIES AND LIMITATIONS OF COUNTIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 9 of Act 39 of the Session Laws of 1905 is hereby amended by adding thereto a new subdivision to be designated as 4A as follows:

“4A. To establish and maintain water works and sewer works; to collect rates for water supplied to consumers, and for the use of sewers, and for the placing of signs on bridges as required by law. To take over from the Territory existing water works systems, including water rights, pipe lines and other appurtenances belonging thereto, and sewer systems, and to enlarge, develop and improve the same. To build, rebuild, equip, maintain and regulate hospitals, school houses, court houses, jails and houses of detention, punishment, confinement and reformation, and to give aid to hospitals. Each county shall provide for the maintenance and repair of all existing school houses other than the Lahainaluna Seminary, court houses, water works and sewer systems and jails within its boundaries.”

SECTION 2. This Act shall take effect on the first day of July, 1909.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 101.**

## AN ACT

TO AMEND SECTION 23 OF ACT 118 OF THE SESSION LAWS OF 1907 RELATING TO THE POWERS OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subdivision 7 of Section 23 of Act 118 of the Session Laws of 1907 is hereby amended so as to read as follows:

"7. To establish and maintain water works and sewer works; to collect rates for water supplied to consumers, and for the use of sewers and for the placing of signs on bridges as required by law. To take over from the Territory existing water works systems, including water rights, pipe lines and other appurtenances belonging thereto, and sewer systems, and to enlarge, develop and improve the same. To build, rebuild, equip, maintain and regulate hospitals, school houses, court houses, jails and houses of detention, punishment, confinement and reformation, and to give aid to hospitals. It shall be the duty of the Board to provide for the maintenance and repair of all existing school houses other than the Normal school and the Boys' and Girls' Industrial schools; police stations and jails, other than Oahu Prison; fire department buildings; and court houses, other than the Judiciary Building."

SECTION 2. This Act shall take effect on the first day of July, 1909.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 102.**

## AN ACT

TO AMEND SECTION 1577 OF THE REVISED LAWS RELATING TO THE APPOINTMENT OF JAILORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1577 of the Revised Laws is amended to read as follows:

“Section 1577. Jailors; Appointment. The High Sheriff of the Territory is responsible for the safe keeping of all prisoners who may be confined or committed to the Oahu Prison. He shall, with the approval of the Attorney General, appoint the necessary jailors and other officers at said Prison. All other jailors shall be appointed by the Sheriffs of the respective Counties including the City and County of Honolulu. The Sheriffs within their respective Counties, and the Sheriff of the City and County of Honolulu shall be held responsible for the safe keeping of all prisoners who may be confined within the various County or City and County jails respectively.”

SECTION 2. This Act shall take effect on July 1, 1909.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

### **ACT 103.**

#### AN ACT

TO AMEND SECTION 1095 OF THE REVISED LAWS RELATING TO  
THE STATUTE OF LIMITATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1095 of the Revised Laws is amended to read as follows:

“Section 1095. Possession, interrupting statute. No person shall be deemed to have been in possession of any lands within the meaning of part two of this chapter, merely by reason of having made an entry thereon, unless he shall have continued in open and peaceable possession of the same for the space of one year after such entry; or unless an action shall have been commenced upon such entry within one year after ouster.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.



**ACT 104.**

## AN ACT

TO AMEND SECTION 2816 OF THE REVISED LAWS RELATING TO THE ASSIGNMENT OF COUNSEL FOR PERSONS ACCUSED OF FELONIES AND THE PAYMENT OF SUCH COUNSEL.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2816 of the Revised Laws is amended to read as follows:

“Section 2816. Assignment of counsel for defendants; fees. In any felony case pending in a circuit court, where the person accused requests counsel for his defense and shows to the satisfaction of the court that he is unable to obtain such counsel, the court may assign him counsel from among the attorneys licensed to practice in courts of record and may allow such counsel a fee, provided that such fee shall not exceed one hundred dollars in cases where the penalty prescribed for the offense charged may be death, imprisonment for life or any term exceeding twenty years, and in other cases shall not exceed fifty dollars. One fee only shall be allowed in any one case, which shall be in full remuneration for all services performed for such accused person in regard to the offense charged in the circuit and supreme courts. No attorney shall be so paid who shall have received any other compensation for services in such case nor shall any attorney so paid demand or receive any other compensation for such services. The fees authorized in this section shall be paid out of the appropriation made for the general expenses of the circuit court before which such case is pending.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 105.**

## AN ACT

TO PROVIDE FOR THE MAINTENANCE, EXTENSION AND IMPROVEMENT AND PAYMENT OF THE COST OF THE HONOLULU WATER AND SEWER WORKS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All revenues derived from time to time from the Honolulu Water and Sewer Works shall constitute and be held as a special fund in the Treasury of the Territory, to be disbursed on warrants drawn by the Auditor and issued only upon approved vouchers of the Superintendent of Public Works. Such moneys shall be apportioned and applied from time to time by said Superintendent with the approval of the Governor to the following general purposes, and not otherwise; first, the expenses of maintenance and operation of said works; secondly, the payment of interest upon the indebtedness of the Territory incurred for the construction, improvement and extension of said works; thirdly, the extension and improvement of said works; and fourthly, the payment of the said indebtedness, provided, however, that the amount so set aside shall not be less than 10% yearly of the gross receipts from said water and sewer works in any one year. Each voucher against said fund shall designate the general purpose for which it is drawn. Any such moneys applied to the payment of such indebtedness shall be deemed to have been applied in accordance with the provisions of Act 97 of the Session Laws of 1907.

SECTION 2. This Act shall take effect upon July 1, 1909.

Approved this 21st day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 106.**

AN ACT

MAKING AN ADDITIONAL APPROPRIATION FOR THE DEPARTMENT OF PUBLIC LANDS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1909.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Twelve Hundred Fifty Dollars (\$1,250.00) is hereby appropriated out of moneys in the treasury received from the general revenues of the Territory for the current expenses of the Department of Public Lands for the biennial period ending June 30, 1909.

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 107.**

AN ACT

TO AMEND SECTION 1320 OF THE REVISED LAWS IN RELATION TO STAMP DUTIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1320 of the Revised Laws is hereby amended by striking out lines 69 and 70 thereof, and inserting in lieu thereof the words "licenses issued from the office of the treasurer of the territory or of any county, or the city and county of Honolulu or other government department as follows:".

SECTION 2. This Act shall take effect from and after July 1, 1909.

Approved this 23rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 108.**

## AN ACT

TO PROVIDE FOR THE CARE, CUSTODY, CONTROL AND PAYMENT OF FIVE THOUSAND SEVEN HUNDRED AND SEVENTY-FIVE AND 18/100 DOLLARS (\$5,775.18), BEING THE MONEY NOW IN THE POSSESSION OF THE TREASURER OF THE TERRITORY AND DESIGNATED OR KNOWN AS THE SPECIAL GOLD CERTIFICATE DEPOSIT, SPECIAL SILVER CERTIFICATE DEPOSIT AND SPECIAL POSTAL MONEY ORDER DEPOSIT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums of money now in the possession of the Treasurer of the Territory as special deposits, viz: One Hundred and Forty Dollars (\$140.00) held for the redemption of outstanding Gold Certificates of Deposit of the Republic of Hawaii; Three Thousand Three Hundred and Sixty-Five Dollars (\$3,365.00) held for the redemption of outstanding Silver Certificates of Deposit of the Republic of Hawaii; Two Thousand Two Hundred and Seventy and 18/100 Dollars (\$2,270.18) held for the redemption of Postal Money Orders of the Republic of Hawaii amounting in all to Five Thousand Seven Hundred and Seventy-five and 18/100 Dollars (\$5,775.18) are hereby declared to be government realizations.

SECTION 2. The following sums amounting to Five Thousand Seven Hundred and Seventy-five and 18/100 Dollars (\$5,775.18) are hereby appropriated out of moneys in the Treasury received from the general revenues for the objects hereinafter expressed:

For the payment of Postal Money Orders outstanding against the Republic of Hawaii.....	\$2,270.18
For the payment of unredeemed Gold Certificates of Deposit of the Republic of Hawaii.....	140.00
For the payment of unredeemed Silver Certificates of Deposit of the Republic of Hawaii.....	3,365.00

SECTION 3. The Auditor shall not draw a warrant for the payment of any of the above sums until a receipt in full therefor

is filed and the same is approved by the Treasurer of the Territory.

SECTION 4. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

## **ACT 109.**

### **AN ACT**

TO AMEND SECTION 1728 OF THE REVISED LAWS OF HAWAII, RELATING TO PROOF AND ENTRY OF DEFAULTS AGAINST DEFENDANTS IN CIVIL ACTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1728 of the Revised Laws of Hawaii is hereby amended by adding thereto a proviso, to read as follows:

“Provided, however, that any defendant, in any civil action or proceeding, either at law or in equity, shall be at liberty to file any appropriate plea or answer, at any time before and until the Court in which or the Judge before whom such action or proceeding shall be pending, shall make and sign an order declaring such defendant to be in default for the want of such plea or answer, and thereafter until such order shall be duly filed with the Clerk or other appropriate officer of the Court.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 110.**

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR PUBLIC IMPROVEMENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums are hereby appropriated, for the object hereinafter expressed, out of any available moneys now in the treasury or received by the treasurer before June 30, 1911, for or on account of loan fund:

Kula Pipe Line and Water Works.....	\$100,000.00
Honolulu Wharf and Harbor Improvements.....	100,000.00

SECTION 2. The said appropriations may be paid out of the general revenues of the Territory in the discretion of the Governor.

SECTION 3. The provisions of Act 62 of the Session Laws of 1909, shall apply to said appropriations to the same extent as if they were a part of this Act.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 111.**

AN ACT

TO PROVIDE FOR THE REIMBURSEMENT OF THE TERRITORY FOR THE COST OF THE KULA PIPE LINE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The County of Maui shall pay to the Territory, on the interest dates of any bonds that may be issued by the Ter-

ritory, the proceeds of which shall have been expended for the construction of the Kula pipe line, interest upon an amount equal to the par value of said bonds at the rate specified in said bonds, and also such sum annually on the second such interest date and the same date each year thereafter, during the term for which said bonds are issued, whether afterwards refunded or not, that the aggregate of such sums so annually paid will, compounded annually at said rate of interest, equal at the expiration of said term said par value, and the Auditor of the Territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the Treasurer of said County such amounts when due as are required by this Act to be paid by said county, and proper receipts shall thereupon be exchanged between the Treasurers of the Territory and said County; provided, that said county may at the option of its Board of Supervisors pay on any such interest date such a sum as will with the accrued value of the amounts previously paid, other than interest, equal the amount of bonds so issued at par and thereby discharge all its obligations created by this Act, and the sum so paid in final settlement shall be deposited to the credit of the sinking fund provided for by Act 97 of the Laws of 1907 in addition to the amounts required to be so deposited by said Act.

Said County may take over the said pipe line upon its completion and receive the revenues thereof so long as it makes no default in its obligations created by this Act and properly maintains said pipe line at its own expense.

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 112.**

## AN ACT

TO AMEND SECTION 553 OF THE REVISED LAWS RELATING TO THE  
HONOLULU WATER WORKS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 553 of the Revised Laws is amended to read as follows:

“Section 553. Regulation of rates. He may from time to time regulate the rates to be paid for water, and whenever such rates shall be changed, notice thereof shall be duly advertised not less than once a week for at least four weeks in the Hawaiian and English languages in two or more newspapers published in Honolulu. He may, whenever necessary, at the expense of the Territory of Hawaii, place a proper recording apparatus or meter in the rate payer’s service line and may from time to time regulate the rate and times of payment for water measured by meter.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 113.**

## AN ACT

TO AMEND SECTION 3 OF ACT 42 OF THE SESSION LAWS OF 1903,  
RELATING TO PUBLIC LOANS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3 of Act 42 of the Session Laws of 1903 is hereby amended so as to read as follows:

“Section 3. All bonds issued under authority of this Act shall bear interest, payable semi-annually, at a rate of not more than



five per cent. per annum, and be made payable or redeemable and payable at such time or times from the date of issue thereof as will comply with the provisions of an act of the Congress of the United States, approved April 30, 1900, entitled 'An Act to Provide a Government for the Territory of Hawaii,' and any amendments thereto in effect at the date of issue of said bonds."

SECTION 2. This Act will take effect upon its approval.

Approved this 26th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 114.**

### AN ACT

TO AMEND SECTION 390B OF THE REVISED LAWS AS ENACTED BY  
ACT 82 OF THE SESSION LAWS OF 1905.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 390B of the Revised Laws as enacted by Act 82 of the Session Laws of 1905, is hereby amended to read as follows:

"Section 390B. Said Board of Agriculture and Forestry shall have power and authority to make rules and regulations, and to amend the same from time to time in its discretion, subject to the approval of the Governor, for and concerning the inspection, quarantine, disinfection or destruction, either upon introduction into the Territory, or at any time or place within the Territory, of animals and the premises and effects used in connection with such animals. Included therein may be rules and regulations governing the transportation of animals between the different Islands of the Territory and along the highways thereof, and also such rules and regulations as may be approved by the Governor requiring the owners and masters of any boat or vessel engaged in inter-island transportation of live stock, and the managers and agents of railway companies carrying live stock within

the Territory, to make reports of the number and class of live stock carried, names of owners and consignees, the places to and from which such live stock is shipped, the manner of handling such live stock, the number of deaths or injuries to live stock occurring in transit or while being loaded or unloaded, with the causes of such deaths or injuries and all other matters which may be deemed necessary by the Board for a full and complete record of such shipping and handling of live stock. And also to prohibit the importation into the Territory from any foreign country, or other parts of the United States, or from one Island within the Territory to another Island therein, or to one locality from another locality on the same Island, of animals known to be infected with a contagious, infectious or communicable disease or known to have been exposed to any such disease."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 115.**

### AN ACT

TO AUTHORIZE W. A. WALL, HIS ASSOCIATES, SUCCESSORS, AND ASSIGNS TO CONSTRUCT, MAINTAIN AND OPERATE A RAILROAD IN CERTAIN DISTRICTS ON THE ISLAND OF HAWAII, IN THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The right is hereby granted to W. A. Wall, his associates, successors and assigns, to lay, construct, maintain and operate, for the term of thirty (30) years from the date of the approval of this Act by the Congress of the United States, a railway, either single or double track, or partly single and partly double, with such curves and switches, turn-cuts, poles, wires, conduits, stations, power houses, and such other build-

ings, appliances and appurtenances as may from time to time be necessary for the use and operation thereof, from a point in the district of Kona, Island of Hawaii, starting at tide water at Kaawaloa, thence running South on grades 1, 1½ and 2½ per cent. to an elevation of 925 feet at Kahauko, in the said district of Kona, thence over intervening lands in a southerly direction on broken grades to a 1,200 feet elevation, thence through or near Waiohinu in the district of Kau, thence through Naalehu to Honuapo, in the said district of Kau, thence to Hilea (old Mill site), thence over intervening lands to Pahala Mill in the said district of Kau. From the 925 feet elevation at Kahauko in the district of Kona, running North over intervening lands on various grades to 1,200 feet elevation at the village of Honokahau in the district of Kona.

SECTION 2. The said railway shall be operated by steam, or by compressed air, or by electric power, either by overhead or underground wires, or by storage batteries. Provided, that a part of such railway may be operated by one motive power, while another or other portion thereof may be operated by other motive powers.

SECTION 3. The speed of any engine, car, or other vehicle used upon such railway while on a public highway, except in crossing the same, shall not exceed eight (8) miles per hour, under penalty of Three Hundred Dollars (\$300.00) to be paid to the Territory for each violation of this provision.

SECTION 4. The maps, charts, and plans for the construction of such railway shall be subject to the approval of the Superintendent of Public Works, and such approval thereof shall be evidenced by his signature upon any such map, chart or plan so approved.

SECTION 5. The said railway, together with all its branches and connections shall be thoroughly and substantially constructed according to the best modern practice and in such manner as to cause the least obstruction to the free use of the highways, roads and places in which it may be laid; and the location in, along and across highways and roads shall be as directed by the Superintendent of Public Works. The cars for carrying passengers shall be of the most approved con-

struction for the comfort, convenience and safety of such passengers, and shall be provided with fenders, of the best pattern, with proper lighting and signaling appliances and with proper numbers, route boards or signs as approved by the Governor. The said W. A. Wall, his associates, successors and assigns shall pay all expenses and damages and save the Territory harmless and indemnified from all loss, cost, damage and expense, in consequence of or arising from the construction and operation of said railway, and pay for all repairs to highways and streets on, along or across which the said railway may be located, made necessary or advisable by the construction and operation of said railway. The style of rail to be employed and used in the construction of such railway, the manner of laying the same and the kind of car for the carriage of passengers over such railway shall be such as may be approved by the Superintendent of Public Works. All of the matters and things required by this section and the construction and character of the railway and its equipment shall in all respects be subject to the approval of the Superintendent of Public Works.

SECTION 6. The construction of such railway must be commenced, within three years from the date of the approval of this Act by the Governor of the Territory of Hawaii, and at least fifteen miles must be completed, equipped and in operation for the transportation of passengers and freight within two years after such commencement. Provided, that any period during which the work shall be suspended or delayed by reason of any litigation impeding or delaying the construction or use of such railway shall not be counted in either of the above mentioned periods.

SECTION 7. Rates and charges for freight and passengers shall be adjusted by a Commission consisting of the Superintendent of Public Works and two others appointed by the Governor of the Territory of Hawaii.

SECTION 8. The lands to be taken for the line of such railway shall not exceed forty (40) feet in width, unless a greater width shall be required for embankment, cuttings, gravel pits, sidings, stations, depots, power houses, yards or terminals.

SECTION 9. No land, easement or other property shall be taken for the purpose of such railway except in accordance with the provisions of law.

SECTION 10. If the provisions of this Act as to time limitations are not fully complied with, then all rights, privileges and special powers granted hereby shall forthwith cease and determine and the franchise hereby granted shall forthwith become null and void.

SECTION 11. The said W. A. Wall, his associates, successors and assigns shall have power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction or operation of such railway.

SECTION 12. The Legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend or repeal this Act; and the franchise hereby granted shall not be construed to be exclusive. The franchise hereby granted shall be subject to all general laws now in force or which may hereafter be enacted respecting railway companies.

SECTION 13. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

Approved this 26th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 116.**

### AN ACT

TO REPEAL SECTION 1018 OF THE REVISED LAWS OF HAWAII,  
RELATING TO CERTIFICATE OF VACCINATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1018 of the Revised Laws of Hawaii be and the same is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 117.**

AN ACT

TO AMEND SECTION 1747 OF THE REVISED LAWS RELATING TO THE DECISION BY A COURT IN WRITING IN TRIALS WITHOUT JURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1747 of the Revised Laws is hereby amended to read as follows:

“Section 1747. Decision by court in writing. In such case the court shall hear and decide the cause, both as to the facts and the law, and its decision shall be rendered in writing stating its reasons therefor. If the taking of an account be necessary to enable the court to complete its judgment a reference may be ordered for that purpose.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 118.**

AN ACT.

TO AMEND SECTION 121 OF ACT 118 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT INCORPORATING THE CITY AND COUNTY OF HONOLULU."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 121 of Act 118 of the Session Laws of 1907, is hereby amended so as to read as follows:

"Section 121. The City and County Clerk may, with the approval of the Board of Supervisors, appoint a clerk and such other assistants as he may deem proper, whose specific duties shall be prescribed by him, and whose compensation may be appropriated by the Board of Supervisors."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 119.**

AN ACT.

TO AMEND SECTION 1235 OF THE REVISED LAWS RELATING TO FAILURE TO RETURN PROPERTY FOR TAXATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1235 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1235. Failure to make return; penalty. If any person shall refuse or neglect to make said return, or shall decline to take oath to the accuracy thereof, the assessor may make such assessment according to the best information with-

in his reach, and the same shall be binding and conclusive upon all parties, and shall not be subject to appeal. Provided, however, that any taxpayer who may have failed as aforesaid to make a return or shall have declined as aforesaid to take oath to the accuracy thereof, and who shall feel aggrieved at the assessment made by the assessor, shall have the right, within ten days after May 1 of the assessment year, if such assessment was made prior to May 1, or if such assessment was made after May 1 in such assessment year, within thirty days after the depositing by the assessor in the post office, postage prepaid, a notice of such assessment addressed to the last known place of residence of the person against whom the assessment was made, upon depositing with the assessor or deputy assessor 10% of the amount of the taxes on such assessment, to bring suit to enjoin the collection of taxes based on such assessment, and the Circuit Judge at chambers shall have jurisdiction in such suit to assess and revalue the property assessed for the purpose of taxation and to adjudge the amount of taxes due, subject to appeal as by law provided. The 10% deposit herein provided for shall be subject to the provisions of Section 1253 of the Revised Laws of Hawaii."

SECTION 2. This Act shall take effect upon January 1, 1910.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT .120**

AN ACT.

TO AMEND ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED  
"AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF  
HAWAII AND PROVIDING FOR THE GOVERNMENT THEREOF."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 28 of Act 39 of the Session Laws of



1905 is hereby amended by striking out the figures "\$1200.00" after the words "County Clerk of the County of Kauai" in line 12 thereof, and by inserting in their place the figures "\$1800.00"; by striking out the figures "\$1500.00" after the words "Auditor of the County of Kauai", in line 16 thereof, and inserting in their place the figures "\$1800.00"; by striking out the figures "\$1500.00" after the words "Treasurer of the County of Kauai" in line 32 thereof, inserting in their place the figures "\$1800.00"; and by striking out the figures "\$1200.00" after the words Deputy Sheriff of the District of Waimea" in line 53 thereof, and inserting in their place the figures "\$1500.00".

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1909.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 121.**

AN ACT.

TO AMEND SECTION 1 OF ACT 97 OF THE SESSION LAWS OF 1907  
RELATING TO THE SINKING FUND FOR THE REDEMPTION OR  
PURCHASE OF TERRITORIAL BONDS.

283,3

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 97 of the Session Laws of 1907 is amended to read as follows:

"Section 1. The Treasurer of the Territory is hereby authorized and empowered to establish as a special deposit in the Treasury of the Territory a sinking fund with which to pay any present or future bonded indebtedness of the Territory, and on the second interest paying date of any territorial bond issue hereafter made, whether the same is a refunding bond issue or otherwise, and on the same date each year there-

after until all of the bonds of such issue have been called in, he shall transfer from the current receipts of the Territory and deposit to the credit of said sinking fund such a sum of money that the aggregate of such sums so annually deposited will, compounded annually at the rate of interest specified in the bonds of such issue, amount at the expiration of the term for which said bonds are issued, to the full face value thereof.

The Treasurer shall also deposit to the credit of said sinking fund, immediately upon the receipt thereof, all compensation received from any of the counties or municipal divisions of the Territory in payment for public improvements transferred by the Territory to the said counties or municipal subdivisions of the Territory.

The Treasurer shall also deposit to the credit of said sinking fund, immediately upon the receipt thereof, all receipts from government land sales made by the Superintendent of Public Works.

Except as provided by this Act, such sums so deposited as aforesaid shall be used for the redemption or purchase of any outstanding Territorial bonds and shall not be held exclusively for the redemption or payment of the bonds used as a basis for the annual deposits.

The Auditor of the Territory shall open and keep in his books a separate and special account of this fund, which shall be known as the Sinking Fund Account and which shall at all times show the exact conditions thereof."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 122.**

## AN ACT.

TO PROVIDE FOR THE PAYMENT OF THE EXPENSES OF THE SEVERAL  
DISTRICT COURTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The salaries of the several district magistrates and such clerks and other assistants as are provided for in this section shall be paid by the counties, including the city and county of Honolulu, within which such magistrates exercise jurisdiction, at the following rates:

	A Year.
District Magistrate, Honolulu (\$225.00) . . . . .	\$2,700.00
Second District Magistrate, Honolulu, to be expended according to Act 57 of the Session Laws of 1907.	300.00
Clerks, Honolulu District Court, 1st Clerk at \$110.00, 2nd Clerk at \$85.00 (\$195.00) . . . . .	2,340.00
District Magistrate, Ewa (\$100.00) . . . . .	1,200.00
District Magistrate, Waianae (\$40.00) . . . . .	480.00
District Magistrate, Waiialua (\$90.00) . . . . .	1,080.00
District Magistrate, Koolauloa (\$50.00) . . . . .	600.00
District Magistrate, Koolaupoko (\$50.00) . . . . .	600.00
District Magistrate, Lahaina (\$90.00) . . . . .	1,080.00
District Magistrate, Wailuku (\$100.00) . . . . .	1,200.00
Second District Magistrate, Makawao, at Honuaula (\$25.00) . . . . .	300.00
District Magistrate, Makawao (\$85.00) . . . . .	1,020.00
District Magistrate, Hana (\$50.00) . . . . .	600.00
District Magistrate, Kipahulu (\$30.00) . . . . .	360.00
District Magistrate, Molokai (\$40.00) . . . . .	480.00
District Magistrate, Lanai (\$20.00) . . . . .	240.00
District Magistrate, North Kohala (\$90.00) . . . . .	1,080.00
District Magistrate, South Kohala (\$60.00) . . . . .	720.00
District Magistrate, North Kona (\$80.00) . . . . .	960.00
District Magistrate, South Kona (\$60.00) . . . . .	720.00
District Magistrate, Kau (\$80.00) . . . . .	960.00
Clerk and Interpreter, District Court, South Hilo (\$100.00) . . . . .	1,200.00

District Magistrate, South Hilo (\$135.00).....	1,620.00
District Magistrate, North Hilo (\$60.00).....	720.00
District Magistrate, Hamakua (\$100.00).....	1,200.00
District Magistrate, Puna (\$60.00).....	720.00
District Magistrate, Lihue (\$80.00).....	960.00
District Magistrate, Koloa (\$70.00).....	840.00
District Magistrate, Waimea (\$80.00).....	960.00
District Magistrate, Kawaihau (\$55.00).....	660.00
District Magistrate, Hanalei (\$50.00).....	600.00

SECTION 2. This Act shall take effect upon July 1, 1909.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## ACT 123.

### AN ACT

TO AUTHORIZE THE DEPOSIT OF TERRITORIAL MONEYS IN BANKS  
IN THIS TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Not more than seventy-five per cent. (75%) of any moneys in the territorial treasury belonging to the Territory, other than moneys which by law are held as special deposits and not immediately required for territorial purposes, may be deposited by the treasurer of the Territory to the credit of the Territory in such national bank or banks, or in such banks doing business under the laws of the Territory, as the treasurer, with the approval of the Governor, may select, and any sum so deposited shall be deemed to be in the territorial treasury, provided, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided and pay interest on all deposits at a rate not less than two per cent. nor more than three per cent. per annum,

and provided that in selecting such depositary bank or banks the rate of interest and the class of security offered shall both be considered as the basis of selection and due regard shall be given to the bank or banks doing business in the Territory, or such parts thereof, where the disbursements of public money are or may be made; provided that no more than fifty per cent. of the aggregate amount of moneys of the Territory available for deposit and on deposit shall be deposited in any one bank; and provided that moneys held in the treasury to the credit of any special deposit may, with the approval of the Governor, be deposited by the treasurer in any savings bank or savings department of any bank, to draw such interest thereon as may be paid by the depositary for deposits of like nature. The expense of transportation upon the moneys so deposited shall be borne by such depositaries. All deposits of money with interest thereon shall be paid upon demand on checks signed by the treasurer and countersigned by the auditor, or by the payment of a certificate of deposit issued by the depositary, which certificate shall be endorsed by the payee named therein as well as by the auditor.

SECTION 2. The interest to be paid by any depositary bank shall be on the average daily balances of the territorial moneys kept on deposit therewith and shall be paid and credited to the Territory monthly on the first day of each and every month, and such interest shall be a territorial realization; provided, that if any money deposited by the treasurer under the provisions of this Act shall belong to any special fund, then any interest received on the same shall be paid into and credited to such special fund.

SECTION 3. For the security of the funds deposited by the treasurer under the provisions of this Act, there shall be deposited with the treasurer bonds of the United States or of the Territory of Hawaii, or of any county, city or municipality within the Territory, approved by the Governor and the treasurer, to an amount in value at least ten per cent. in excess of the amount of the deposit with such bank or banks, or such industrial bonds issued in the Territory as are accepted by the courts for investment of trust funds and approved by the Governor and the treasurer to an amount in value at least

twenty-five per cent. in excess of the amount of the deposit with such bank or banks. Provided, however, that moneys held in the treasury to the credit of any special deposit or deposits may be deposited in any savings bank or savings department of any bank to an amount not to exceed five thousand dollars without requiring security therefor.

When the value of any bond upon open market shall be less than the par value of such bond, then the value thereof for the purpose of this Act shall be the market value of the same, otherwise such value shall be the par value of the same. If in any case, or at any time, such bonds are not deemed satisfactory security by the Governor and treasurer, they shall require such additional security as may be satisfactory to them. Such bonds, or any part thereof, may be withdrawn, provided, that the required amount of bonds to secure deposits shall be kept in the treasury. In the event that said bank or banks of deposit shall fail to pay such deposits, or any part thereof, upon presentation of a check or certificate of deposit properly endorsed, as hereinbefore provided, then it shall be the duty of the treasurer to forthwith convert said bonds into money and to disburse the same according to law; provided, however, that he shall sell no bonds, except at public auction after giving at least ten (10) days' notice by publication in some newspaper of general circulation in the Territory.

SECTION 4. The treasurer shall enter into a written contract with such depositary or depositaries, in triplicate setting forth the conditions and terms upon which the funds of the Territory are deposited therewith, one of which shall be retained by each of the contracting parties and the third filed with the auditor. One provision of said contract shall be that each depositary shall at the end of each month render to the treasurer a statement in duplicate showing the daily balances and amount of money of the Territory held by it during the month, and the amount of accrued interest thereon separately, one of which shall be filed by the treasurer with the auditor. The treasurer shall annually, on the first day of July, furnish each depositary bank with a statement showing the amount and description of the bonds on deposit with him by such bank

to secure the deposits of the Territory, duly certified by the auditor.

The duly authorized representatives of any depository or depositaries shall at all times during office hours have access to the security or securities deposited for the purpose of examining the same and removing such coupons as may have matured, such examination to be made in the presence of the treasurer or his representative.

SECTION 5. The treasurer, with the approval of the Governor, shall, if in his judgment it shall appear necessary for the security of the Territory, require said banks of deposit to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks, to be approved by the Governor and treasurer to secure the Territory against the loss of any depreciation in value that may occur in the bonds held by him as security for the safe keeping and prompt payment of the money of the Territory in such depositaries.

SECTION 6. The treasurer shall not be responsible for any moneys deposited in a bank or banks under the provisions of this Act while the same remain there deposited, but the government of the Territory of Hawaii through its treasurer shall be chargeable with the safe-keeping of the bonds deposited with him as security for deposits of money of the Territory, and of the proceeds of any sale of such bonds made under the provisions of this Act.

SECTION 7. At the time of depositing money of the Territory in any bank designated as a depository, the treasurer shall take a certificate or certificates of deposit payable to the treasurer in such sum or sums as he may deem advisable, or a receipt showing that such deposit is subject to check, as herein provided. Such certificate or certificates of deposit, receipt or receipts and all balances of such deposits shall be deemed and counted as cash.

SECTION 8. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 124.**

## AN ACT.

TO AMEND SECTION 1068 OF THE REVISED LAWS, AS AMENDED  
BY ACT 48 OF THE SESSION LAWS OF 1905.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1068 of the Revised Laws, as amended by Act 48 of the Session Laws of 1905 be amended to read as follows:

“Section 1068. No person shall practice medicine or surgery in the Territory of Hawaii either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, or shall append the letters “Dr.” to his or her name, with the intent thereby to imply that he or she is a practitioner of medicine or surgery, without having a valid unrevoked license, obtained from the Treasurer of the Territory of Hawaii, in form and manner substantially as hereinafter set forth. Such license shall only be granted upon the written recommendation of the Board of Health, provided, however, that licenses to practice osteopathy may be granted to graduates holding diplomas from any legally chartered and regularly conducted School or College of Osteopathy, and further provided that a Certificate to practice Osteopathy has first been obtained from any State Board of Osteopathic Examiners until such time as there is an Osteopathic Board of Examiners appointed for the Territory of Hawaii.

“And provided further, that the practice of medicine as contemplated and set forth in this Act shall not be construed to exclude the use of any method or means or any agent either tangible or intangible by any person licensed to practice osteopathy, for the treatment of disease in the human subject, provided that no person so licensed to practice osteopathy shall, by reason thereof, be authorized to administer drugs or medicines, or to perform any surgical operation. Any person applying for a license to practice osteopathy shall first file with the Treasurer a certified copy of such diploma and satisfac-



tory evidence that the applicant is a fit and proper person to be so licensed to practice osteopathy, and file with the President of the Board of Health a certificate from the Board of Osteopathic Examiners certifying that the applicant had passed the required examination, and is entitled to practice osteopathy in that State.

“And further provided, that nothing herein contained shall apply to so-called Christian Scientists so long as they merely practice the religious tenets of their church without pretending a knowledge of medicine or surgery; provided, that the laws and regulations relating to contagious diseases are not violated.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## *ACT 125.*

### AN ACT.

TO AMEND SECTION 1103 OF CHAPTER 91 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislatura of the Territory of Hawaii:*

SECTION 1. That Section 1103 of Chapter 91 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 1103. Qualifications of Applicants. In order to be licensed as a pharmacist under this chapter an applicant shall not be less than 21 years of age and he shall present to the board satisfactory evidence that he is a graduate of a reputable school or college of pharmacy or that he has had four years' experience in pharmacy and shall also pass a satisfactory examination before the board.

“In order to be licensed as an assistant pharmacist within

the meaning of this chapter an applicant shall not be less than 18 years of age and shall have had not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination before the board. Provided, however, that in the case of an applicant who has attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may be deducted from the time of experience required of an assistant pharmacist, but in no case shall less than two years' experience be required for registration as a licensed pharmacist. Provided, further, that any person who has not less than two years' actual experience in compounding drugs, chemicals or poisons, or in conducting or managing a pharmacy, drug or chemical store, apothecary shop or other place of business for retailing, compounding or dispensing of drugs, chemicals or poisons in this Territory immediately prior to April 28, 1903, shall be entitled to apply for and receive a license as a pharmacist upon payment of the fee in this chapter provided without examination or recommendation by the board."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 126.**

AN ACT.

RELATING TO THE TAXATION OF INSURANCE COMPANIES, AMENDING SECTION 262I OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 262I of the Revised Laws of Hawaii as amended by Act 77 of the Session Laws of 1905, is hereby amended so as to read as follows:

“Section 2621. Taxes; penalty. All insurance companies or corporations doing business in this Territory must file with the Commissioner annually, on or before the first day of June, in each year hereafter, a statement under oath, setting forth the amount of gross premiums received by said companies or corporations during the year ending December 31, next preceding, from all risks located in, and all business done, within this Territory. All such insurance companies or corporations, except life insurance companies, shall pay to the Treasurer through the Insurance Commissioner a tax of two per cent., on the gross premiums received from all risks located in, and from all business done within this Territory during the year ending on the preceding 31st day of December, less return premiums, re-insurance in companies or corporations authorized to do business in this Territory when such re-insurance is placed through or with local agents and losses actually paid to policy holders; and all life insurance companies shall pay to the Treasurer through the Insurance Commissioner a tax of two per cent. on the gross premiums received from all business done within this Territory during the year ending on the preceding 31st day of December less return premiums, re-insurance in companies or corporations authorized to do business in this Territory when such re-insurance is placed through or with local agents, death claims and payments made to policy holders, and operating and business expenses, which taxes when paid shall be in settlement of all demands of any taxes or licenses or fees of every character imposed by the laws of the Territory, excepting property taxes, and the fees set forth in Section 2620, for conducting said business of insurance in said Territory. Said taxes shall be due and payable on the first day of July succeeding the filing of the statement provided for in this chapter. Any organization failing or refusing to render such statement and to pay the required taxes above stated for more than thirty days after the time so specified, shall be liable to a penalty of \$25.00 for each day of delinquency, and the taxes may be collected by distraint, and the penalty recovered by an action to be instituted by the Commissioner in the name of the Territory, in any court of competent jurisdiction, and the Commissioner shall revoke and annul the cer-

tificate of authority of such delinquent organization until such taxes and fine, should any be imposed, are fully paid."

SECTION 2. This Act shall take effect on January 1st, A. D. 1910.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 127.**

AN ACT.

RELATING TO THE COLLEGE OF AGRICULTURE AND MECHANIC  
ARTS, AMENDING SECTION 3 OF ACT 24 OF THE LAWS OF  
1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3 of Act 24 of the Laws of 1907 is hereby amended to read as follows:

"Section 3. A board of regents shall have the general management and control of the affairs of the college. They shall have power to appoint a treasurer and such other officers as they deem necessary and to require them to give bonds in such amounts as they may prescribe and in the form prescribed by law for bonds of public officers. They shall have power to purchase or otherwise acquire lands, buildings, appliances and other property for the purposes of the college, and expend such sums of money as may be from time to time placed at the disposal of the college from whatever source. The grants of moneys and the purposes of said grants authorized by the Act of Congress, approved August 30, 1890, for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts and by any other Acts of Congress for similar purposes, are hereby assented to. All lands, buildings, appliances and other property so purchased or acquired shall be and remain the prop-

erty of the Territory of Hawaii to be used in perpetuity for the benefit of the college.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 128.**

AN ACT.

TO AMEND SECTION 39 OF ACT 118 OF THE SESSION LAWS OF 1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 39 of Act 118 of the Session Laws of 1907 is hereby amended so as to read as follows:

“Section 39. The salaries of the several City and County officers shall be payable monthly out of the City and County treasury at the following rates:

	Per Annum.
Mayor. . . . .	\$3,000.00
Members of the Board of Supervisors. . . . .	600.00
Sheriff. . . . .	2,400.00
City and County Clerk. . . . .	2,100.00
Auditor. . . . .	2,100.00
City and County Attorney. . . . .	3,000.00
Treasurer. . . . .	2,100.00
Deputy Sheriff of the District of Honolulu. . . . .	1,800.00
Deputy Sheriff of the District of Ewa. . . . .	1,200.00
Deputy Sheriff of the District of Waianae. . . . .	720.00
Deputy Sheriff of the District of Waialua. . . . .	1,200.00
Deputy Sheriff of the District of Koolauloa. . . . .	720.00
Deputy Sheriff of the District of Koolaupoko. . . . .	720.00”

SECTION 2. This Act shall take effect from and including the first day of July, A. D. 1909.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 129.**

AN ACT.

TO AMEND SECTION 1266 OF THE REVISED LAWS AS AMENDED,  
RELATING TO TAX LIENS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1266 of the Revised Laws of Hawaii as amended by Section 16 of Act 89 of the Session Laws of 1905 is hereby amended so as to read as follows:

“Section 1266. Tax liens. Every tax due upon property shall be a prior lien upon the property assessed; and every tax due upon improvements upon real property assessed to others than the owners of the real property, shall be a prior lien upon the improvements, which liens shall attach as of January 31 in each assessment year, and shall continue for three years.

“Upon enforcement or foreclosure, in any manner whatsoever, of any lien, all taxes of whatsoever nature and howsoever accruing due at the time of the foreclosure sale from the taxpayer against whose property such tax lien is so enforced or foreclosed as aforesaid shall be satisfied as far as possible out of the proceeds of such sale remaining after payment of the costs and expenses of such enforcement and foreclosure.

“Said liens may be enforced upon the petition of the tax assessor to the circuit judge at chambers in the judicial circuit in which said property lies or is held, and jurisdiction is hereby conferred upon said circuit judges at chambers to hear and determine all proceedings brought or instituted to enforce

and foreclose such tax liens, and the proceedings had before said circuit judge at chambers shall be conducted in the same manner and form as ordinary foreclosure proceedings. If the owner or owners or claimant or claimants of the property against which a lien is sought to be foreclosed is at the time without the Territory, or if the owner or owners are unknown, and the fact shall be made to appear by affidavit to the satisfaction of the court and it shall in like manner appear prima facie that a cause of action exists against such absent owner or claimant or against the property described in the petition, or that such absent owner or claimant is a necessary or proper party to the suit the court may grant an order that the service may be made by publication of the summons. In any such case publication and other substituted service may be made in the manner provided by Section 1724 of the Revised Laws of Hawaii.

“In any such case it shall not be necessary to obtain judgment and have execution issued and returned unsatisfied, before proceeding to foreclose the lien for taxes in the manner herein provided.”

SECTION 2. This Act shall take effect upon January 1, 1910.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 130.**

AN ACT.

TO AMEND SECTION 78 OF ACT 118 OF THE SESSION LAWS OF 1907, ENTITLED “AN ACT INCORPORATING THE CITY AND COUNTY OF HONOLULU.”

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 78 of Act 118 of the Session Laws of 1907, entitled “An Act Incorporating the City and County of Honolulu”, is hereby amended so as to read as follows:

"Section 78. The chief executive officer of the City and County shall be designated the Mayor. He shall be an elector of the City and County at the time of his election, and must have been such for at least three years next preceding such election. He may appoint a Secretary who shall receive a salary at the rate of \$1,800.00 per annum and shall hold such position at the pleasure of the Mayor."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 131.**

TO AMEND SECTIONS 1155 AND 1157 OF THE REVISED LAWS  
RELATING TO RECORDS OF BIRTHS, DEATHS AND MARRIAGES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1155 of the Revised Laws is amended to read as follows:

"Section 1155. Records sent to board. It shall be the duty of each registrar at the end of each month to transmit to the board the records of births, deaths and marriages made by him during said month in such form and manner and upon such blanks as the board may require."

SECTION 2. Section 1157 of the Revised Laws is amended to read as follows:

"Section 1157. Filing records. It shall be the duty of the secretary of the board to file the records of births, deaths and marriages received from the several registrars, and as soon as practicable bind the same in compact form in the manner hereinafter provided. The records of births, deaths and marriages, and the island and districts in which they occurred, shall each be kept separately in chronological order."



SECTION 3. This Act shall take effect upon July 1, 1909.  
Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 132.**

AN ACT

TO AMEND SECTION 1136 OF THE REVISED LAWS RELATING TO  
THE CARRYING OF PERSONS SUFFERING FROM CONTAGIOUS OR  
INFECTIOUS DISEASES OR LEPROSY IN STEAM COASTING  
VESSELS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1136 of the Revised Laws is amended  
to read as follows:

“Section 1136. What vessels to carry. No steam coasting vessel licensed to carry passengers and engaged in the regular performance of that business, according to published schedule of sailing times, and whose gross tonnage exceeds five hundred tons, shall be compelled or allowed while so engaged to carry to or from any port or place in the Territory of Hawaii any leper or any person or persons suffering from any contagious or infectious disease.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 133.**

## AN ACT

TO AMEND SECTION 1069 OF CHAPTER 89 OF THE REVISED LAWS  
OF HAWAII RELATING TO MEDICINE AND SURGERY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1069 of Chapter 89 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1069. Practice of Medicine Defined. For the purposes of this Chapter the practice of medicine shall be held to include the use of drugs and medicines, water, electricity, hypnotism, or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided, however, that nothing herein contained shall be held to forbid any person from the practice of any method, or the application of any remedial agent or measure under the direction or with the approval of a licensed physician; and provided further, that when a duly licensed physician pronounces a person afflicted with any disease hopeless and beyond recovery and shall give a written certificate to that effect to the person afflicted or his or her attendant nothing herein contained shall be held or construed to forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of such afflicted person.

“The provisions of this Act shall not be construed to amend or repeal the law respecting leprosy or segregation.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 134.**

AN ACT

MAKING AN ADDITIONAL APPROPRIATION FOR THE USE OF THE SECOND CIRCUIT COURT FOR THE BIENNIAL PERIOD ENDING THE THIRTIETH DAY OF JUNE, 1909.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Two Thousand Dollars is hereby appropriated to be paid out of any moneys in the treasury received from the general revenues of the Territory for the current expenses of the Second Circuit Court, Maui, for the biennial period ending the thirtieth day of June, 1909.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 135.**

AN ACT

TO AMEND SECTION 2569 OF THE REVISED LAWS OF HAWAII, RELATING TO THE DISSOLUTION OF CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2569 of the Revised Laws is hereby amended by adding thereto a new paragraph as follows:

"Such trustees shall forthwith advertise once a week for not less than four successive weeks in each of at least two newspapers of general circulation published respectively in the English and Hawaiian languages in this Territory, a notice to all creditors of the corporation to present their claims at a place to be designated in such notice within ninety days from

the first publication of said notice. All claims not so presented shall be forever barred."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

## **ACT 136.**

### AN ACT

TO AMEND SECTION 1203 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1203 of the Revised Laws of Hawaii, as amended by Section 3 of Act 89 of the Session Laws of 1905, be and the same is hereby amended so as to read as follows:

"Section 1203. Brake, Sulky, Ox-cart, and Automobile Tax. All brakes and sulkies shall be subject to an annual tax of \$2.00 each to be paid by the owners thereof; all ox-carts shall be subject to an annual tax of \$5.00 each to be paid by the owners thereof; and all automobiles and power-driven vehicles shall be subject to an annual tax of one cent for each pound in weight of such vehicle to be paid by the owners thereof. In computing the weight the factory weight of each car plus ten per cent. (10%) shall be taken for the basis of taxation."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 137.**

## AN ACT

GIVING WAREHOUSEMEN A LIEN FOR STORAGE AND AUTHORIZING  
ITS ENFORCEMENT BY SALE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The word "Warehousemen" as used in this Act shall mean and include every person who is or who may be engaged in the business of storing for hire, goods, wares, merchandise, effects, baggage or other portable property.

SECTION 2. A warehouseman shall have a lien upon any property stored with him until all reasonable charges thereon, are paid. Such lien shall have priority over other liens of any nature and over all attachments.

SECTION 3. Whenever any goods, wares, merchandise, effects, baggage or other portable property, together with the contents thereof, stored with any warehouseman remains uncalled for and unclaimed for the period of six months from the time such property was stored, he may sell the same at public auction and out of the proceeds of such sale may retain the charges due for storage, transfer and other expenses incident thereto, if any there be, together with the costs of advertising and sale. Any balance remaining, which shall not be claimed by the owner of the property sold or his legal representatives within thirty days from the date of such sale, shall be deposited by the warehouseman with some bank or trust company, doing business under the laws of the Territory of Hawaii, to the credit of the owner and payable at any time to him or his legal representatives.

SECTION 4. No sale allowed under Section 3 of this Act shall be made until the expiration of four weeks from the first publication or notice of such sale in a newspaper of general circulation throughout the County in which such warehouseman keeps his office and place of business. Said notice shall be published once a week for three successive weeks in such newspaper and shall contain a description of such property,

as near as may be, the name of the owner, if known, the name of the warehouseman, the time said property was actually stored, the amount of charges due thereon, together with the time and place of such sale.

SECTION 5. This Act shall take effect from and after its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 138.**

AN ACT

TO AMEND CHAPTER 35 OF THE REVISED LAWS RELATING TO DISEASES OF ANIMALS BY AMENDING SECTION 447 OF THE REVISED LAWS AND BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 447A.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 447 of the Revised Laws is hereby amended to read as follows:

"Section 447. Reporting disease, penalty. Any person knowing or having reason to believe that any animal on or about his own premises or the premises of another is affected with glanders, farcy or any infectious or contagious disease who shall fail to report the same forthwith to a territorial veterinarian, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than one hundred dollars."

SECTION 2. A new section is hereby added to Chapter 35 of the Revised Laws, to be known as Section 447A and to read as follows:

"Section 447A. The purchaser of any horse, mule, or ass which shall develop symptoms of glanders or farcy within two

weeks from the date of purchase may recover the full amount of the purchase price from the vendor of such animal, together with such reasonable damages as the purchaser may have suffered; provided, however, that this section shall not apply in case the vendor, at the time of sale shall obtain from any licensed or territorial veterinarian a certificate that such animal is free from such diseases, and such territorial veterinarian shall make no charge for said certificate."

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 139.**

AN ACT

TO AMEND SECTION 2432 OF THE REVISED LAWS RELATING TO  
ISSUANCE OF CERTIFICATES OF TITLE, BY THE COURT OF LAND  
REGISTRATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sub-section 2 of Section 2432 of the Revised Laws is amended to read as follows:

"Second, unpaid taxes for the preceding three years."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 140.**

AN ACT

TO AUTHORIZE THE TREASURER OF THE TERRITORY TO PAY TO THE  
TREASURERS OF THE SEVERAL COUNTIES SPECIAL ROAD FUND  
DEPOSITS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Treasurer of the Territory is hereby authorized and directed to pay over to the Treasurers of the several counties in the same manner and for similar purposes as payments are made under the provisions of Section 3 of Act 93 of the Session Laws of 1905, all balances to the credit of the several road districts now held by him, subject only to the order of the Superintendent of Public Works, after paying all outstanding drafts against said balances which may be approved by the Superintendent of Public Works, the payment of which is hereby authorized.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 141.**

AN ACT

TO AMEND SECTION 1221 OF THE REVISED LAWS, RELATING TO  
PROPERTY EXEMPT FROM TAXATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1221 of the Revised Laws be and the same is hereby amended to read as follows:

“Section 1221. Property exempt: public, educational,



religious, eleemosynary. The following property shall be exempt from taxation: real and personal property belonging to the Territory, to the department of public instruction, to any County or City and County, to incorporated or private schools and in the actual use of such schools, to the Queen's Hospital, to the Kapiolani Maternity Home, to the Leahi Home, to any other public hospital which maintains a free ward, the property of all hospitals exempt from taxation being limited to that actually in use for hospital purposes, to religious societies and in actual use of such societies, the land of such societies exempt from taxation being limited to church sites and burying grounds, such sites and burying grounds not to exceed five acres each in extent, and the Lunalilo Home and in the actual use of such home.

"All property both real and personal of public library associations shall be exempt from taxation."

SECTION 2. This Act shall take effect January 1, 1910.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 142.**

### AN ACT

MAKING ADDITIONAL APPROPRIATION FOR CURRENT EXPENSES  
FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1911.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sum of money amounting to Six Hundred Dollars (\$600.00) is hereby appropriated for the object hereinafter expressed, for the biennial period ending June 30, 1911, out of moneys in the Treasury received from the general revenues:

**Circuit Courts.**

Second Circuit—

Salary District Magistrate, Kalaupapa (\$25.00).....\$600.00

SECTION 2. This Act shall take effect July 1, 1909.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 143.**

## AN ACT

TO PROHIBIT PERSONS FROM ASSOCIATING THEMSELVES IN MILITARY COMPANIES OR ORGANIZATIONS OR FOR MILITARY PURPOSES, AND OR THE GIVING OR RECEIVING OF MILITARY INSTRUCTION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any two or more persons who associate themselves together with others within the limits of the Territory of Hawaii as a military company or organization for military purposes or to give or receive military instruction, other than those belonging to the regularly organized military and naval forces of the United States, or of the Territory of Hawaii, and those attending and receiving such instruction at a public school, without the written permission of the Governor, which he may at any time revoke, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, or imprisoned for a term not exceeding six months, or both."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 144.**

## AN ACT

TO AMEND SECTION 28 OF CHAPTER 9 OF ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII AND PROVIDING FOR THE GOVERNMENT THEREOF."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905 is hereby amended by striking out the figures "1,200" from the clause "County Clerk of the County of Hawaii 1,200 a year" and inserting in lieu thereof the figures "2,000," so as to read as follows:

"County Clerk of the County of Hawaii 2,000 a year."

The figures "720" from the clause "Deputy Sheriff of the District of North Hilo" and inserting in lieu thereof the figures "900", so as to read as follows:

"Deputy Sheriff of the District of North Hilo 900 a year."

The figures "960" from the clause "Deputy Sheriff of the District of North Kona" and inserting in lieu thereof the figures "1080," so as to read as follows:

"Deputy Sheriff of the District of North Kona 1080 a year."

The figures "720" from the clause "Deputy Sheriff of the District of South Kohala" and inserting in lieu thereof the figures "900", so as to read as follows:

"Deputy Sheriff of the District of South Kohala 900 a year."

And the figures "960" from the clause "Deputy Sheriff of the District of Hamakua" and inserting in lieu thereof the figures "1,200", so as to read as follows:

"Deputy Sheriff of the District of Hamakua 1,200 a year."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 145.**

AN ACT

TO AMEND SECTION I OF ACT 53 OF THE LAWS OF 1907, RELATING TO WITNESSES' FEES AND MILEAGE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section I of Act 53 of the Laws of 1907 is hereby amended so as to read as follows:

"Section 1. Every witness legally required to attend upon a Circuit Court or a Grand Jury in any criminal case, other than a salaried county or territorial official, shall be entitled to one dollar for each day's attendance and twenty cents for each mile actually and necessarily traveled, in going only. Provided, however, that any police officer or other county or territorial official (except the Sheriff, County Attorney or Deputy County Attorney) who resides in a district other than that in which the Circuit Court is holding term, then and in that case only, such officials shall be allowed witness and mileage fees as in this section provided."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 146.**

AN ACT

TO AMEND SECTION 2566 OF THE REVISED LAWS RELATING TO THE ANNUAL EXHIBIT OF CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2566 of the Revised Laws is amended to read as follows:

"Section 2566. Annual exhibit. Every corporation not eleemosynary, religious, literary or educational, shall annually present a full and accurate exhibit of the state of its affairs to the treasurer, as of December thirty-first of each year. Such exhibit shall be filed within sixty days after said day or such further time as may be allowed by the treasurer, provided such extension shall not exceed thirty days, and shall contain such information and be made in such form as the treasurer, with the approval of the Governor, shall require. No such exhibit shall be available for inspection by others than officers of the Territory, or of any county, or the city and county of Honolulu, or by the officers or stockholders of the corporation which made the exhibit, or by any bona fide creditor of such corporation, provided, that the treasurer may permit the inspection of any such exhibit by any other person upon being satisfied that such inspection is desired for some lawful and proper purpose. The said treasurer shall have power, either himself, or by one or more commissioners appointed by him, to call for the production of the books and papers of the corporation, and to examine its officers, members and others touching its affairs, under oath. The annual reports above mentioned, and the result of such examination, the treasurer may in his discretion lay before the governor, and also publish. In case any such corporation shall refuse to produce its books and papers upon the request of the treasurer, or the commissioners appointed by him, or in case any of the officers or members of such corporation shall refuse to be examined on oath, touching the affairs of the corporation, then the treasurer, or the commissioners, may apply to a circuit judge at chambers for an order to compel the production of the books and papers or the examination of such officers or members of the corporation, obedience to which order may be enforced by said judge, in like manner with his ordinary decrees and orders. Any corporation violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof be fined in the sum of not less than one hundred dollars nor more than one thousand dollars; a continuance of a failure to file the required report shall be a separate offense for each thirty days of such continuance."

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 147.**

AN ACT

TO AMEND SECTIONS 1, 5, 12 AND 25 OF ACT 102 OF THE LAWS OF  
1905, RELATING TO THE INHERITANCE TAX.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 102 of the Session Laws of 1905 is hereby amended so as to read as follows:

“All property which shall pass by will or by the intestate laws of this Territory, from any person who may die seized or possessed of the same while a resident of this Territory, or which, being within this Territory shall pass whether by the laws of this Territory or otherwise, from any person who may so die while not a resident of this Territory, or which, or any interest in or income from which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor, vendor, or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax hereinafter provided for, to be paid to the Treasurer of the Territory of Hawaii as hereinafter directed, for the use of the Territory; and such tax shall be and remain a lien upon the property passed or transferred until paid and all administrators, executors, and trustees of every estate so transferred and the person to whom the property passes or is transferred or passed shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The tax so imposed shall be upon the market value of such property at

the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted.

Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this Act, such appointment when made, shall be deemed a transfer taxable under the provisions of this Act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act shall be deemed to take place to the extent of such omissions or failures in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

When the beneficial interest to any property or income therefrom shall so pass to or for the use of his or her father, mother, husband, wife, child, grandchild, or any child adopted as such in conformity with the laws of the Territory of Hawaii, the rate of the tax shall be two per cent. of the market value of such property, received by each person, in excess of Five Thousand Dollars; in all other cases the rate of tax shall be: Five per cent. of the market value of such property in excess of Five Hundred Dollars. All property so passing for which such exemption of Five Thousand Dollars can be maintained shall not be taxable as income under the provisions of any other law."

SECTION 2. Section 5 of Act 102 of the Session Laws of 1905 is hereby amended so as to read as follows:

"All taxes imposed by this Act, unless otherwise herein provided for, shall be due and payable at the death of the decedent and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within twelve months from the accruing thereof a discount of five

per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in Section 3 of this Act for the payment of said tax, together with interest.

Provided, that nothing in this Act contained shall be construed to require the collection or payment of any tax assessed or assessable against any property or interest which upon final distribution in any estate cannot be distributed to or come into the possession or enjoyment of the persons entitled thereto."

SECTION 3. Section 12 of Act 102 of the Session Laws of 1905 is hereby amended to read as follows:

"When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the Circuit Judge before whom the probate proceedings are pending, on the application of any interested party, or upon his own motion may appoint some competent person or persons as appraisers, as often as and whenever occasion may require, whose duty it shall be forthwith to give notice, by mail, to all persons known to have, or to claim an interest in such property, to the Treasurer of the Territory and to such persons as the Circuit Judge may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said Circuit Judge, together with such other facts in relation thereto as said Circuit Judge may by order require to be filed with the Clerk of said Court; and from this report, or in case appraisers are not appointed, in any event, the said Circuit Judge shall, by order assess and fix the value of all inheritances, devises, bequests, or other interests, and the tax to which the same is liable, and shall immediately cause notice thereof to be given by mail, to all persons known to be interested therein. The value of every future or contingent or limited estate, income or interest shall, for the purpose of this Act, be determined by the Insurance Commissioner, by the rule, method and the standards of mortality and of value that are set forth in the American Experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies, save that the rate



of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum, and said commissioner shall certify such value to the appraisers or Judge as the case may be. Every appraiser shall be paid on the certificate of the Circuit Judge at Chambers at the rate of Five Dollars per day for every day actually and necessarily employed in such appraisal, and his actual and necessary travelling expenses at the same rate now paid for travelling expenses to witnesses subpoenaed to attend courts of record. Such fees and all other charges herein provided for shall be paid out of the estate of the decedent as an expense of administration."

SECTION 4. Paragraph "b" of Section 25 of Act 102 of the Session Laws of 1905 is hereby amended so that said paragraph "b" shall read as follows:

"All actions under this section shall be triable before the Circuit Court of the Circuit in which decedent's estate is being or has been administered."

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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**ACT 148.**

AN ACT

TO AMEND CHAPTER 37 OF THE REVISED LAWS OF HAWAII, RELATING TO GAME, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 459A.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 37 of the Revised Laws is hereby

amended by adding thereto a new Section to be known as Section 459A and to read as follows:

"Section 459A. Close Season; Punishment. It shall be unlawful to take, kill or destroy any wild deer between the first day of November and the first day of April.

The possession of a deer or any portion thereof between said dates shall be prima facie evidence of unlawful killing. Anyone violating the provisions of this Section shall be punished by a fine of not more than fifty dollars for each offense."

SECTION 2. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by ayes and noes, approved by two-thirds vote of all of the elective members of the Senate of the Territory of Hawaii, this 16th day of April, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 28th day of April, A. D. 1909.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

**ACT 149.**

## AN ACT

TO PROVIDE FOR THE EXAMINATION, DETENTION, CUSTODY AND CARE OF INSANE PERSONS, AND FOR THE APPOINTMENT OF COMMISSIONERS TO EXAMINE SUCH INSANE PERSONS AND DEFINING THEIR DUTIES, AND TO REPEAL SECTIONS 1116, 1117, 1118 AND 1119 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any parent or relative of any person who is believed to be insane, or any Sheriff or Deputy Sheriff of any County in this Territory may make complaint and cause the arrest and detention of any person who is believed to be insane and whose being at large is dangerous to the safety of the community.

SECTION 2. Such complaint shall be in writing and sworn to before any district magistrate in the district where such person may be or before the Circuit Judge of the Circuit within which such district may be situated. Upon complaint being made as aforesaid, such district magistrate or circuit judge shall forthwith issue a warrant for the arrest and detention of such alleged insane person directed to the sheriff or his deputy and commanding that such alleged insane person be arrested and brought before the district magistrate or circuit judge issuing such warrant at the time and place stated in such warrant.

SECTION 3. No alleged insane person shall be detained in custody under such warrant longer than forty-eight hours without an examination as in this Act hereinafter provided.

SECTION 4. It shall be the duty of said district magistrate or circuit judge to examine all persons brought before them on said warrants as to their sanity.

If it shall appear to the satisfaction of said district magistrate or circuit judge after a full hearing at which the alleged insane person shall have the right to be heard personally or by counsel, and to produce witnesses on his or her own behalf, that such person is insane and that it would be unsafe to allow him or her to

be at large, the said district magistrate or circuit judge shall so certify in writing, together with a brief statement of the facts upon which his judgment is based, and shall cause such certificate to be sent to the Chairman of the Commissioners of Insanity; and shall issue a commitment under his hand authorizing and directing that such person be detained in the insane asylum until he or she shall become sane or shall be discharged as in this Act provided, and shall cause said commitment together with said person to be delivered to the Superintendent of the Insane Asylum.

SECTION 5. Said alleged insane person or the parent or relative of the same may appeal to the Commissioners of Insanity from said decision of said district magistrate or circuit judge by giving notice of said appeal within five days from the date of said decision and shall within ten days serve a copy of such notice on the Chairman of the Commissioners, and no costs shall be charged to the appellee or appellees.

SECTION 6. The Governor shall nominate and by and with the advice and consent of the Senate shall appoint three persons, two of whom shall be regularly licensed to practice medicine or surgery in the Territory, in the City and County of Honolulu, in the Territory of Hawaii, who shall be known as Commissioners of Insanity and who shall hold office for four years unless sooner removed for cause, and whose duties shall be to hear all cases brought before them on appeal by any person committed to the Insane Asylum for insanity, and to investigate and determine the sanity or insanity of those committed and to do and perform such other acts and duties as may be imposed upon or vested in them by the provisions of this Act.

SECTION 7. It shall be the duty of such Commissioners within ten days after their appointment to meet together and elect one of their number to act as chairman and such chairman, when elected, shall cause public notice to be given in a newspaper published in Honolulu, in the Territory of Hawaii, that he has been duly elected Chairman of the Commissioners of Insanity; and each of the said commissioners, before entering upon his duties shall take and subscribe the following oath:

"I ..... a Commissioner duly appointed to examine persons charged with being insane, do solemnly swear

that I will well and faithfully and diligently inquire into the mental condition of all persons who shall be brought before me charged with insanity, and that I will well and faithfully discharge and perform all the duties of such commissioner." "So help me God."

Such oath when taken and subscribed shall be forwarded to the Secretary of the Territory who shall file the same.

SECTION 8. Said Commissioners shall each be entitled to receive the sum of Five Dollars for the examination of every person made under the provisions of this Act together with all other necessary expenses incurred by the Commissioners in making such examinations which said sum, in the event of an appeal being sustained or of a person alleged to be insane being adjudged sane or if such alleged insane person is wholly unable to pay the same shall be a charge upon the county from which such person was committed, and the Chairman of the Commissioners shall send a memorandum of such costs and expenses to the Treasurer of such county, who shall submit the same to the Board of Supervisors who shall provide for the payment of the same within sixty days after the same shall have been incurred.

SECTION 9. It shall be the duty of said Commissioners to hear and determine all cases brought before them on appeal as herein provided. And upon such appeal the alleged insane person shall have the right to be represented by counsel and to produce witnesses on his own behalf. And if it shall appear to the satisfaction of a majority of said Commissioners that said alleged insane person is sane they shall forthwith order his discharge, and if it shall appear to the satisfaction of a majority of said Commissioners that such person is insane and that it is unsafe to allow him or her at large, said Commissioners shall dismiss said appeal and remit said person to the custody of the Superintendent of the Insane Asylum.

SECTION 10. Any person committed to the Insane Asylum may upon application being made by a sheriff, deputy sheriff or by a relative of such person, and notice given to the Superintendent of the Insane Asylum, be examined by the Commissioners as to his or her sanity and if a majority of said Commissioners shall be satisfied that such person is of sound mind or is not dangerous

to the public safety, they shall so certify to the Superintendent of the Asylum, and such person shall be forthwith released from custody.

SECTION 11. The Chairman of the Commissioners shall cause to be reduced to writing the substance of the evidence taken upon the examination of any person as herein provided and forward the same to the Secretary of the Territory who shall file the same.

SECTION 12. It shall be the duty of the Commissioners or the Chairman thereof to visit the Insane Asylum from time to time and to semi-annually submit a report to the Governor of the condition of the same and the number of patients therein, and the Superintendent or other person in charge of the asylum and the keepers thereof, and all other officials connected with said asylum are hereby required and directed to admit any Commissioner appointed under this Act at any hour of the day or night to said asylum, and to afford him every opportunity to make a thorough inspection and examination of said asylum and of any person detained therein.

SECTION 13. If any person indicted for any crime shall be acquitted by reason of insanity or mental derangement and it shall appear to the satisfaction of the presiding judge at said trial that it is dangerous to the safety of the community for such person to be at large, he shall without further hearing commit such person to the Insane Asylum.

SECTION 14. No person shall be committed to the Insane Asylum or be discharged therefrom except as herein provided.

SECTION 15. Sections 1116, 1117, 1118 and 1119 of the Revised Laws of Hawaii are hereby repealed.

SECTION 16. This Act shall take effect from and after the first day of July, 1909.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

**ACT 150.****AN ACT****MAKING APPROPRIATIONS FOR CURRENT EXPENSES FOR THE  
BIENNIAL PERIOD ENDING JUNE 30, 1911.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION I. The following sums are hereby appropriated, for the objects hereinafter expressed, for the biennial period ending June 30, 1911, out of moneys in the treasury received from the general revenues:

**THE GOVERNOR.****MILITIA DEPARTMENT:**

Adjutant General (\$200.00).....	\$ 4,800.00	
Clerk and Assistant (\$75.00).....	1,800.00	
Janitor and Armorer (\$40.00).....	960.00	
Expenses . . . . .	<u>12,000.00</u>	\$ 19,560.00

**THE SECRETARY.**

Clerks, Assistants, Stenographers, Messengers (\$425.00) .....	\$ 10,200.00	
Expenses, Governor's and Secretary's offices . . . . .	4,200.00	
Printing, binding, indexing, adver- tising . . . . .	<u>1,560.00</u>	15,960.00

**ELECTIONS:**

Expenses of .....		13,000.00
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**PUBLIC ARCHIVES:**

Librarian (\$150.00) .....	\$ 3,600.00	
Expenses, copying, translating, print- ing, binding .....	<u>2,160.00</u>	5,760.00

**LIBRARY OF HAWAII:**

Maintenance . . . . .		10,000.00
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**PERMANENT SETTLEMENTS.**

Queen Liliuokalani (\$625.00).....	\$ 15,000.00	
Mrs. Emma Barnard (\$16.66 2-3)...	400.00	
Mrs. Kamakani Simeona (\$16.66 2-3)	400.00	
Mrs. Mary Stolz (\$16.66 2-3).....	400.00	
Mrs. Mahelona (\$16.66 2-3).....	400.00	
Mrs. Lilinoe Kea (\$16.66 2-3).....	400.00	17,000.00
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**ATTORNEY GENERAL'S DEPARTMENT.**

Attorney General (\$300.00).....	\$ 7,200.00	
Deputy (\$250.00) .....	6,000.00	
Clerk (\$100.00) .....	2,400.00	
Stenographer (\$100.00) .....	2,400.00	
Expenses . . . . .	11,400.00	29,400.00
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**HIGH SHERIFF, PRISONS :**

High Sheriff, Warden Territorial Prison (\$225.00) .....	\$ 5,400.00	
Deputy High Sheriff and Clerk (\$100.00) . . . . .	2,400.00	
Deputy Warden, Territorial Prison (\$125.00) . . . . .	3,000.00	
Guards and Lunas of Prisoners: Territorial Prison .....	38,000.00	
Expenses, Maintenance of Prisoners..	40,000.00	88,800.00
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**AUDITING DEPARTMENT.**

Auditor (\$275.00).....	\$ 6,600.00	
Deputy Auditor (\$200.00).....	4,800.00	
Clerks (\$400.00).....	9,600.00	
Expenses . . . . .	3,000.00	24,000.00
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## TREASURY DEPARTMENT.

Treasurer (\$275.00).....	\$ 6,600.00	
Registrar of Public Accounts (\$225.00) . . . . .	5,400.00	
Bookkeeper, Deputy Insurance Com- missioner (\$175.00) . . . . .	4,200.00	
Clerks, Stenographers, Assistants (\$395.00) . . . . .	9,480.00	
Expenses:		
Treasurer's Office. . . . .	\$5,000.00	
Insurance Law. . . . .	1,200.00	
Official Bonds. . . . .	5,000.00	
Tax Books and Blanks	3,000.00	14,200.00
Interest, Commissions, Expenses, Public Debt . . . . .	332,500.00	<u>372,380.00</u>

## BUREAU OF TAXES:

First Taxation Division, Oahu:		
Assessor (\$225.00) . . . . .	\$ 5,400.00	
Deputy Tax Assessor (\$175.00) . . . . .	4,200.00	
Deputy Assessors, Collec- tors, Clerks, Interpre- ters, Commissions and Expenses . . . . .	50,500.00	<u>60,100.00</u>

Second Taxation Division, Maui, etc.:		
Assessor (\$200.00) . . . . .	\$ 4,800.00	
Deputy Assessors, Collec- tors, Clerks, Interpre- ters, Commissions and Expenses . . . . .	18,500.00	<u>23,300.00</u>

Third Taxation Division, Hawaii:		
Salary of Tax Assessor, Hawaii (\$200.00) . . . . .	\$ 4,800.00	

Clerk and Interpreter (\$60.00) . . . . .	1,440.00		
Deputy Tax Assessors, Collectors, Clerks and Commissions, including Expenses . . . . .	24,000.00	30,240.00	
Fourth Taxation Division, Kauai and Niihau:			
Assessor (\$200.00) . . . . .	\$ 4,800.00		
Deputies, Clerks, Inter- preters, Commissions and Expenses . . . . .	15,500.00	20,300.00	133,940.00

## BUREAU OF CONVEYANCES :

Registrar (\$225.00) . . . . .	\$ 5,400.00		
Deputy Registrar (\$150.00) . . . . .	3,600.00		
Expert Indexer (\$100.00) . . . . .	2,400.00		
Two Clerks (\$90.00) . . . . .	4,320.00		
Five Clerks (\$75.00) . . . . .	9,000.00		
Two Clerks (\$50.00) . . . . .	2,400.00		
Expenses . . . . .	3,300.00	30,420.00	

## LIQUOR COMMISSION :

Expenses . . . . .		10,000.00	
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## PUBLIC INSTRUCTION.

## GENERAL :

Superintendent (\$275.00) . . . . .	\$ 6,600.00		
Secretary (\$125.00) . . . . .	3,000.00		
Assistant Secretary and Bookkeeper (\$125.00) . . . . .	3,000.00		
Stenographer (\$75.00) . . . . .	1,800.00		
Expenses . . . . .	7,500.00		
Industrial Training, School Supplies, Books, Libraries and Lace Making.	26,000.00	47,900.00	

## INSTRUCTION :

One Normal Inspector (\$200.00) . . . . .	\$ 4,800.00	
Traveling Expenses . . . . .	1,200.00	
Teachers . . . . .	775,000.00	781,000.00
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## SPECIAL SCHOOLS :

Lahainaluna, Maintenance . . . . .	\$ 15,000.00	
Boys' Industrial:		
Superintendent		
(\$135.00) . . . . .	\$ 3,240.00	
Guards . . . . .	2,400.00	
Maintenance . . . . .	15,000.00	20,640.00
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## Girls' Industrial:

Superintendent		
(\$100.00) . . . . .	\$ 2,400.00	
Guards . . . . .	1,500.00	
Maintenance . . . . .	8,000.00	11,900.00
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		47,540.00

**COLLEGE OF AGRICULTURE AND  
MECHANIC ARTS.**

Salaries, Pay Roll and Expenses . . . . .	15,000.00
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**PUBLIC WORKS, PUBLIC LANDS  
AND SURVEY.**

## GENERAL :

Superintendent of Public Works, Commissioner of Public Lands and Surveyor (\$400.00) . . . . .	\$ 9,600.00	
Engineers, Architects, Draughtsmen, Surveyors, Clerks, Stenographers, Sub-Agents, Rangers, Messengers, Expenses . . . . .	90,280.00	99,880.00
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## GOVERNMENT PROPERTY:

Capitol and Judiciary Building and  
Grounds:

Caretaker (\$75.00) . . . . .	\$ 1,800.00	
Guards (3 at \$60.00) . . . . .	4,320.00	
Janitors (5 at \$40.00) . . . . .	4,800.00	
Laborers (6 at \$40.00) . . . . .	5,760.00	\$ 16,680.00
Keeper of Mausoleum (\$50.00) . . . . .	1,200.00	

## MAINTENANCE, GOVERNMENT PROPERTY

Oahu . . . . .	\$11,000.00	
Hawaii . . . . .	3,500.00	
Maui . . . . .	1,000.00	
Kauai . . . . .	1,000.00	16,500.00
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Flags for Court and School Houses . . . . .	\$ 300.00	
Telephone Exchange, Capitol and Judiciary Building . . . . .	3,336.00	38,016.00
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## LANDINGS AND WHARVES:

Foreman (\$125.00) . . . . .	\$ 3,000.00
Sweepers (3 at \$40.00) . . . . .	2,880.00

## Maintenance, Repairs, Additions.

Oahu . . . . .	\$24,000.00	
Hawaii . . . . .	7,500.00	
Maui . . . . .	6,000.00	
Kauai . . . . .	5,000.00	42,500.00
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Landings and Concrete Walls, Mahukona, Hawaii, provided, however, that no such money shall be expended unless said landing is constructed on Government Land \$13,300.00

New Landing and Warehouse, Hanalei, Kauai . . . . .	10,000.00	71,680.00
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## HARBOR MASTER, HONOLULU:

Harbor Master (\$200.00) .....	\$ 4,800.00	
Assistant Harbor Master (\$150.00)	3,600.00	
Expenses .....	200.00	8,600.00
		<hr/>

## PILOTS.

## Honolulu:

Pilots (3 at \$200.00) .....	\$ 14,400.00	
Watchman (\$65.00) .....	1,560.00	
Expenses (8 Pilot Boys at \$60.00)..	11,520.00	
Expenses, Pilot Boats .....	600.00	
Watchman, Diamond Head (\$75.00)	1,800.00	
Keeper, Powder Magazine (\$75.00)	1,800.00	
Incidentals .....	1,000.00	32,680.00
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## Hilo:

Pilot, Gunpowder and Kerosene Oil Keeper (\$175.00). .....	\$ 4,200.00	
Pilot Boy (\$40.00) .....	960.00	
Expenses .....	130.00	5,290.00
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## Kahului:

Pilot, Gunpowder and Kerosene Oil Keeper (\$200.00) .....	\$ 4,800.00	
Expenses .....	2,500.00	7,300.00
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## BOARD OF HEALTH.

## GENERAL:

President (\$275.00) .....	\$ 6,600.00	
Secretary, Clerks, Stenographers, Janitors' Messengers, Expenses...	21,760.00	28,360.00
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## SANITATION :

General Health and Sanitary Officer, Honolulu (\$150.00) .....	\$ 3,600.00	
Chief Inspector of Sanitation and Sewers, Honolulu (\$150.00) .....	3,600.00	
Sanitary Inspectors, Honolulu .....	12,240.00	
Chief Sanitary Inspector, Inspector of Buildings, Plumbing, House Sewers, Districts of Hilo, Hamakua and Puna (\$157.50) .....	3,780.00	
Assistant Inspector (\$80.00) .....	1,920.00	25,140.00

## PURE FOOD :

Food Commissioner and Analyst (\$125.00) .....	\$ 3,000.00
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MEDICAL AND QUARANTINE SERVICE  
AND SUPPLIES :

Bacteriologist and Pathologist (\$175.00) .....	\$ 4,200.00	
Pay of Government Physicians....	27,360.00	
Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Prevention and Cure of Tuberculosis and Suppression of Contagious Diseases .....	45,250.00	
Vaccination Supplies. ....	2,750.00	
Rat Campaign, Honolulu .....	10,000.00	
Rat Campaign, Hilo .....	5,000.00	
Repairs, Alterations, Equipment, Quarantine Station, Honolulu....	4,000.00	
Repairs, Extension, Equipment, Quarantine Station, Hilo .....	4,000.00	
Keeper Quarantine Station and Assistant Sanitary Inspector, Hilo.	1,440.00	
Sanitation. Incidentals and Expenses, Hilo .....	2,000.00	106,000.00

## CARE OF LEPERS AND THEIR CHILDREN.

Salary of Physician, Leper Settlement (\$300.00) .....	\$ 7,200.00	
Care of Lepers, Segregation and Hospitals, Pay Roll .....	50,000.00	

COMPLETION OF GENERAL HOSPITAL,  
KALAUPAPA:

Material .....	\$ 650.00	
Furnishing and Equipment.....	1,925.00	2,575.00
One Slaughter House.....	\$ 850.00	
One Hide House .....	200.00	
Changes and Repairs to Pig Sties and Fences .....	150.00	1,200.00
Water Works Waikolu.....	\$ 4,600.00	
Ice Plant .....	1,500.00	
One Dormitory at Bishop Home for Girls. ....	2,100.00	
Care of Lepers, Segregation and Hospitals, Expenses .....	188,820.00	
Sheriff and Police, County of Kalawao (\$120.00) .....	2,880.00	
Hearse and Equipment, Leper Settlement. ....	1,000.00	
Medicines and Medical Treatment at Settlement and Kalihi Receiving Station. ....	35,000.00	
Improvements at Settlement .....	5,000.00	
Repair, Board of Health Telephone, Molokai. ....	300.00	
Kalaupapa Store. ....	65,000.00	
Stamped Envelopes and Stationery. ....	1,500.00	
Freight and Transportation of Parcels and Packages to Lepers at Kalaupapa and Kalawao, or as much thereof as may be necessary for the purposes thereof.....	1,500.00	

Kapiolani Girls' Home, Pay Roll...	4,800.00	
Kapiolani Girls' Home, Maintenance	11,000.00	
New Buildings and Furnishings, Kapiolani Girls' Home .....	15,000.00	
Kalihi Boys' Home, Pay Roll.....	6,000.00	
Kalihi Boys' Home, Maintenance....	10,000.00	416,975.00

## INSANE ASYLUM:

Pay Roll .....	\$ 31,560.00	
Maintenance .....	45,000.00	76,560.00

## HOSPITALS:

Queen's Hospital .....	\$ 24,000.00	
Malulani Hospital, Maui (for pe- riod ending December 31, 1909).	2,875.00	
Hilo Hospital, Hawaii (for period ending December 31, 1909).....	2,875.00	
Leahi Home .....	15,000.00	44,750.00

## THE COURTS.

## SUPREME COURT:

Clerk, Judiciary Depart- ment (to have charge of Clerk's Office, act as Cashier and Book- keeper (\$200.00) ....	\$ 4,800.00	
Clerk (\$150.00) .....	3,600.00	
Stenographer and Clerk (\$125.00) .....	3,000.00	
Assistant Clerks, Bailiffs, Librarians, Messengers .....	4,800.00	
Law Books .....	1,200.00	
Compiling, Publishing Reports .....	2,800.00	
Expenses, Supreme and District Courts, forms for all Courts.....	4,000.00	24,200.00



## CIRCUIT COURTS:

First Circuit Court and  
Land Court:

2 Clerks to assist in Clerk's Office (\$100.00 each) . . . . .	\$ 4,800.00	
3 Court Room Clerks (\$125.00 each) . . . . .	9,000.00	
3 Clerks to assist in the Court Room and Clerk's Office (\$100.00 each) . . . . .	7,200.00	
Stenographers (3 at \$175.00). . . . .	12,600.00	
2 Hawaiian Interpreters (\$125.00 each) . . . . .	6,000.00	
J a p a n e s e Interpreter (\$125.00). . . . .	3,000.00	
C h i n e s e Interpreter (\$125.00) . . . . .	3,000.00	
Portuguese Interpreter (\$125.00) . . . . .	3,000.00	
Expenses . . . . .	25,000.00	73,600.00
	<hr/>	

## Second Circuit:

Clerk (\$125.00) . . . . .	\$ 3,000.00	
Stenographer. . . . .	2,500.00	
Law Books. . . . .	250.00	
Expenses . . . . .	7,500.00	13,250.00
	<hr/>	

## Third Circuit:

Clerk (\$100.00) . . . . .	\$ 2,400.00	
Stenographer. . . . .	2,000.00	
Law Books. . . . .	200.00	
Expenses . . . . .	5,000.00	9,600.00
	<hr/>	

## Fourth Circuit:

Clerk (\$135.00) .....	\$ 3,240.00	
Stenographer (\$125.00)	3,000.00	
Assistant Clerk, Mes- senger and Inter- preter (\$100.00) .....	2,400.00	
Law Books .....	250.00	
Expenses .....	12,000.00	20,890.00
	<hr/>	

## Fifth Circuit:

Clerk (\$100.00) .....	\$ 2,400.00	
Law Books .....	200.00	
Expenses .....	8,000.00	10,600.00
	<hr/>	<hr/>
		152,140.00

**GENERAL.**

Contingent Fund, from which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific provision or an insufficient specific provision is made herein, a detailed account of all which expenditures shall be submitted to the next Legislature.....

50,000.00

Grand Total..... \$2,828,031.00

SECTION 2. This Act shall take effect on the first day of July, 1909.

Approved this 28th day of April, A. D. 1909, except as to the following items which I do not approve and hereby veto:

**ATTORNEY GENERAL'S DEPARTMENT.****High Sheriff, Prisons:**

Deputy High Sheriff and Clerk (\$100.00).....\$ 2,400.00

## TREASURY DEPARTMENT.

Bookkeeper, Deputy Insurance Commissioner  
(\$175.00) . . . . . \$ 4,200.00

**Bureau of Taxes:**

Third Taxation Division, Hawaii. Clerk and Interpreter (\$60.00) . . . . . \$ 1,440.00

## PUBLIC WORKS, PUBLIC LANDS AND SURVEY.

**Landings and Wharves**

Landings and Concrete Walls, Mahukona, Hawaii, provided, however, that no such money shall be expended unless said landing is constructed on Government Land . . . . . \$13,300.00  
New Landing and Warehouse, Hanalei, Kauai. . . . . 10,000.00

## BOARD OF HEALTH.

**Hospitals:**

Queen's Hospital . . . . . \$24,000.00  
Malulani Hospital, Maui (for period ending December 31, 1909) . . . . . 2,875.00  
Hilo Hospital, Hawaii (for period ending December 31, 1909) . . . . . 2,875.00

## THE COURTS.

**Circuit Courts:**

First Circuit Court and Land Court:  
3 Clerks to assist in the Court Room and Clerks' Office (\$100.00 each) . . . . . \$ 7,200.00

## Fourth Circuit:

Assistant Clerk, Messenger and Interpreter (\$100).. \$ 2,400.00

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

We hereby certify that the following items of House Bill No. 74, after reconsideration on the veto of the Governor, were, upon votes taken by ayes and noes, approved by a two-third's vote of all of the members to which each house of the Legislature of the Territory of Hawaii is entitled, this 28th day of April, A. D. 1909.

### THE COURTS.

#### Circuit Courts:

First Circuit Court and Land Court:

3 Clerks to assist in the Court Room and Clerk's Office (\$100 each).....\$ 7,200.00

Fourth Circuit:

Assistant Clerk, Messenger and Interpreter (\$100)..\$ 2,400.00

H. L. HOLSTEIN,  
Speaker, House of Representatives;

EDWARD WOODWARD,  
Clerk, House of Representatives;

WILLIAM O. SMITH,  
President of the Senate;

WILLIAM SAVIDGE,  
Clerk of the Senate.

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### **ACT 151.**

#### AN ACT

RELATING TO THE ISSUANCE OF LICENSES, AND THE COLLECTION AND DISPOSITION OF FEES ARISING THEREFROM.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All licenses issued under the authority and pursuant to the provisions of Chapter 102 of the Revised Laws

as the same has been or may hereafter be amended, and under the authority and pursuant to the provisions of Act 46 of the Session Laws of 1905 and Acts 76 and 132 of the Session Laws of 1907, shall be so issued only by the Treasurer of the County within which any such license is to be operative. Provided, that any license which authorizes the licensee to do business throughout the Territory shall be issued by the Treasurer of the County in which the principal office of the licensee is situated.

SECTION 2. All powers vested in and all duties imposed on the Treasurer of the Territory by the provisions of Chapter 102 of the Revised Laws, and acts amendatory thereof, Act 46 of the Session Laws of 1905, and Acts 76 and 132 of the Session Laws of 1907, with respect to the issuance of licenses and the collection of fees therefor, and the cancellation of licenses, are hereby transferred to and shall hereafter be exercised and performed by the County Treasurers within their respective counties. And each County Treasurer shall account for all such fees so collected by him as County realizations.

SECTION 3. Section 1323 of the Revised Laws is hereby amended so as to read as follows:

“Section 1323. Signed by whom. Every license shall be signed by the Treasurer of the County within which the license is issued to be operative and impressed with the seal of his office. Such seal shall be as determined by the Board of Supervisors. Provided, that any license which authorizes the licensee to do business throughout the Territory shall be signed by the Treasurer of the County in which the principal office of the licensee is situated.”

SECTION 4. Section 1327 of the Revised Laws is hereby amended so as to read as follows:

“Section 1327. Cancelled on transferring, etc., business. If any licensee shall close out, transfer or assign the business for which a license is held, during the term for which the same was issued, he shall within thirty days from the date of such closing out, transfer or assignment, notify the treasurer of such fact in writing, and return said license to the treasurer

for cancellation, under a penalty for failure so to do of one hundred dollars.”

SECTION 5. Section 1329 of the Revised Laws is hereby amended by striking out of line 2 thereof the words, “from the treasury department.”

SECTION 6. Section 1 of Act 93 of the Session Laws of 1905 as amended by Acts 15 and 141 of the Session Laws of 1907 is hereby amended by striking out after the word “incomes” in the first paragraph thereof the words “and all license fees obtained for licenses granted to operate” and inserting in lieu thereof the word “collected.”

SECTION 7. The word “county” as used in this Act shall include and apply to the City and County of Honolulu.

SECTION 8. This Act shall take effect on the first day of July, 1909.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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## **ACT 152.**

### AN ACT

RELATING TO THE DISPOSITION OF FINES, COSTS AND BAIL  
MONEYS IN CERTAIN CASES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All moneys paid for costs in civil cases, and for fines and costs in criminal cases which shall be received or collected by any district magistrate in cases in which no appeal has been taken and perfected to the Circuit or Supreme Court, and all moneys paid for fines and costs which shall be received or collected by any sheriff, deputy sheriff, or police officer upon any mittimus, execution or other writ issued by such magistrate, including bail moneys forfeited in any district court, shall be paid by the magistrate or other officer who shall have received

or collected the same to the treasurer of the county in which such magistrate or officer has jurisdiction, and shall be accounted for by such treasurer as a county realization.

SECTION 2. This Act shall take effect on July 1st, 1909.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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***RESOLUTION No. 1.***

JOINT RESOLUTION.

*Be it Resolved by the Legislature of the Territory of Hawaii:*

That as soon as may be after the approval of this resolution, the Governor appoint a commission of three members, who shall be experienced and competent persons, which commission shall thoroughly investigate and examine into the matter of fruit growing and truck farming throughout the Territory and the handling and disposal of the products derived therefrom, together with the feasibility of giving public aid thereto by providing assistance in the matter of refrigeration, packing, transportation, marketing or any like subject. The conclusions reached by such commission shall be embodied in a report to be made by them to the Governor not later than July 1, 1910, together with their recommendations as to legislation if such is needed, which report shall be laid before the next Legislature by the Governor.

Approved this 27th day of February, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., February 19, 1909.

We hereby certify that the foregoing Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 19th day of February, A. D. 1909.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., February 26, 1909.

We hereby certify that the foregoing Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 26th day of February, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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**RESOLUTION No. 2.**

JOINT RESOLUTION.

*Be it Resolved by the Legislature of the Territory of Hawaii:*

That as soon as may be after the approval of this Resolution, the Governor appoint a commission of three members, who shall be experienced and competent persons and disinterested, which commission shall thoroughly investigate and examine into the matter of private wharves and landings throughout the Territory, and charges made for the use thereof, and shall



consider ways and means of regulating such charges, and the feasibility and cost of the acquisition of such wharves and landings by the Territory. The conclusions reached by such commission shall be embodied in a report to be made by them to the Governor not later than July 1, 1910, together with their recommendations as to legislation if such is needed, which report shall be laid before the next Legislature by the Governor.

Approved this 1st day of March, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., February 23, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 23rd day of February, A. D. 1909.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., February 27, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 27th day of February, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

**RESOLUTION No. 3.**

## JOINT RESOLUTION

RELATING TO OFFICE HOURS OF TERRITORIAL OFFICES AND  
OFFICERS AND EMPLOYEES.

*Be it Resolved by the Senate and House of Representatives  
of the Territory of Hawaii,*

That the several offices of the Territorial Government shall, except as otherwise directed or permitted by the respective chiefs or heads thereof, with the approval of the Governor, be open for public business on business days from 8:30 o'clock in the morning to 4:30 o'clock in the afternoon, excepting on Saturdays, when they may close at noon, and all officers and employees of any such office shall be therein for the transaction of public business during such hours, excepting when the performance of their official duties requires their presence elsewhere or when excused by the chief or head of the office; provided, that the one hour at noon for luncheon allowed each employee shall be considered as an hour during which actual service is performed. Any officer or employee who shall violate any of the foregoing provisions may be dismissed from his office or employment by such chief or head or by the Governor.

Approved this 3rd day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., April 2, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 2nd day of April, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., April 2, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 2nd day of April, A. D. 1909.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

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**RESOLUTION No. 4.**

JOINT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate concurring,*

That the Governor of the Territory shall, as soon as practicable after the approval of this Resolution, appoint a commission of three members, to be known as the Milk Commission which commission shall thoroughly examine and investigate the regulations of the Board of Health; the laws of the Territory—and any ordinances of the City and County of Honolulu safeguarding the sale of milk and control of dairies—the manner of their enforcement and adaptability to existing conditions; and consider ways and means for the revision and improvement of the said laws so far as they affect the City and County of Honolulu, and the commission shall make report of their work to the Governor not later than July 1st, 1910—with their recommendations pertaining thereto, together with some bill or bills for the effectuation of such recommendations.

Approved this 15th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., April 10, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 10th day of April, A. D. 1909.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., April 14, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 14th day of April, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

**RESOLUTION No. 5.**

JOINT RESOLUTION.

*Be it Resolved by the Legislature of the Territory of Hawaii:*

That to commemorate the name of his late Majesty Kamehameha III., popularly known as "Kauikeaouli," during whose reign Hawaii made great advancement in material prosperity, the public park at Waiakea, Hilo, Hawaii, shall be known as "Kauikeaouli Park."

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., April 26, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 26th day of April, A. D. 1909.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., April 28, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 28th day of April, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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**RESOLUTION No. 6.**

JOINT RESOLUTION.

BE IT RESOLVED by the Legislature of the Territory of Hawaii, that the Governor of the Territory shall as soon as practicable, after the approval of this resolution, appoint a Commission of three members, who shall be experienced and competent persons, to be known as the "SCHOOL FUND COMMISSION" who shall thoroughly examine and investigate the methods of raising and apportioning school funds else-

where and who shall consider ways and means for the revision and betterment of the methods now employed in this Territory for such purpose.

The Commissioners shall serve without pay but the sum of Two Hundred and Fifty (\$250.00) Dollars is hereby appropriated for its expenses.

The Commission shall not later than July 1, 1910, report to the Governor their conclusions, with their recommendations pertaining thereto and such bill or bills as it may deem necessary for the effectuation of such recommendations.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR,  
Governor of the Territory of Hawaii.

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THE SENATE OF THE TERRITORY OF HAWAII,  
Honolulu, T. H., April 17, 1909.

We hereby certify that the foregoing Joint Resolution was adopted in the Senate of the Territory of Hawaii on the 17th day of April, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,  
Honolulu, T. H., April 27, 1909.

We hereby certify that the foregoing Joint Resolution was adopted in the House of Representatives of the Territory of Hawaii on the 27th day of April, A. D. 1909.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

**RESOLUTION No. 7.**

## JOINT RESOLUTION.

WHEREAS, the present schedule of stamp duties and license system of the Territory is in various respects unsatisfactory and unfair both in operation and effect, and it appears to be necessary that a careful examination and investigation of said schedule of stamp duties and license system should be made with a view to the making of a prudent revision and equitable adjustment thereof:

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII, that the Governor of the Territory shall, as soon as practicable after the approval of this Resolution, appoint a Commission of three members, who shall be experienced and competent persons, to be known as the Commission on Stamp Duties and Licenses, which Commission shall thoroughly examine and investigate the present schedule of stamp duties and license system of this Territory and consider their operation, effect and equitableness, and general adaptability with respect to existing conditions, and consider ways and means for the revision and improvement of said schedule and system as they shall deem necessary or advisable. They may, in their discretion, employ legal counsel to assist them in their work. Each of the Commissioners shall receive such compensation for his services as the Legislature may designate and make available, together with other reasonable allowance for expenses incurred in the performance of the duties prescribed herein. The Commission shall make report of their work to the Governor not later than July 1, 1910, with their recommendations pertaining thereto, together with suggested legislation for the effectuation of such recommendations.

Approved this 28th day of April, A. D. 1909.

WALTER F. FREAR  
Governor of the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., April 16, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 16th day of April, A. D. 1909.

CHAS. A. RICE,  
Vice-Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., April 21, 1909.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 21st day of April, A. D. 1909.

WILLIAM O. SMITH,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.



# APPENDIX.

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## ACT 141, S. L. 1907.

### AN ACT

TO AMEND SECTION 1 OF ACT 93 OF THE SESSION LAWS OF 1905  
AS AMENDED BY ACT 15 OF THE SESSION LAWS OF 1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 93 of the Session Laws of 1905 as amended by Act 15 of the Session Laws of 1907 is hereby amended so as to read as follows:

“Section 1. Fifty per centum of the total amount of poll and school taxes and taxes on property and incomes and all license fees obtained for licenses granted to operate in each County, shall be paid by the Treasurer of the Territory of Hawaii to the Treasurer of such County; and for the purposes of division and payment hereby provided for, the amount of taxes on income of corporations collected in a County other than that wherein the principal property of such corporation is situated, shall be regarded as having been collected in the County in which its property is so situated.

The payments herein provided for to be made in the following manner:

1. The Auditor of the Territory shall on the last legal day of each and every month issue a monthly warrant on the Treasurer of the Territory in favor of each County Treasurer, such monthly Warrants for the half year from July to December, 1905, inclusive, shall be in an amount not less than ten per cent. and thereafter in an amount not less than fifteen per cent. of the estimated Tax payable to each County within every half year, and within the first fifteen days of January and July in each year, the said Audi-

tor of the Territory shall issue a Warrant on the Treasurer of the Territory in favor of each County Treasurer for an amount equal to any balance in favor of each County under the provisions of this Act less the amount of the Warrants issued and interest paid for such Warrants, during the last preceding six months.

2. When any such Warrant is presented to the Treasurer of the Territory for payment, if there is money in the Treasury for that purpose, he shall pay the same and write or stamp on the face thereof "Paid," the date of payment and sign his name thereto, but when the same is not paid for want of funds, the Treasurer of the Territory shall first register the same in a book to be kept for that purpose, shall then endorse thereon "Not paid for want of funds" with the date of presentation, and sign his name thereto and return said Warrants to the party presenting the same. From that time until paid the Warrant shall bear five (5) per cent. interest per annum and it shall thereafter be paid in the order of its registration out of the funds properly chargeable therewith.

3. When there are sufficient moneys in the Treasury to pay the Warrants drawing interest, the Treasurer of the Territory shall give notice for one week in some newspaper published in each County, or, if none is published therein, by written notice posted upon the Court House Door at the County Seat for the same length of time, stating therein that he is ready to pay such Warrants. Ten days after the first publication or posting of such notice, such Warrants cease to draw interest.

4. When the Treasurer pays any Warrant upon which interest is due, he shall note on the Warrant the amounts of interest paid therein, and enter on his account the amount of such interest distinct from the principal.

SECTION 2. This Act shall take effect from and after the date of its approval.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., April 18th, 1907.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

JOHN H. WISE,  
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., April 18th, 1907.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. F. BISHOP,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 1st day of May, A. D. 1907.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

JOHN H. WISE,  
Clerk, House of Representatives.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes

and noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 1st day of May, A. D. 1907.

E. F. BISHOP,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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